

one thing, somebody is going to do the other, what is the use of sitting here trying to pass this kind of a bill? What is the use in it? I do not see any use in it. If we are going to sit here and work and slave and argue and plead and beg and compromise, and think finally we have people agreed on a compromise and then at the last minute somebody says, "You can not do that, because if you do the President will veto the bill," what is the use of going on through with this kind of business?

I do not propose to be under that kind of a lash. I do not want to see anybody else under it. I think thoroughly and fully over these questions as I see them with such light as I have before me. I see only one solution of any of them, and that is for us to pass bills such as we would pass if Franklin D. Roosevelt were in the White House. If Mr. Hoover does not want to sign them, we will just wait until Mr. Roosevelt comes into the White House and then pass them. I hate to delay them. I hate to see the people wait, but nothing else can be done.

When we come to this Philippine bill, however, we are in a worse fix than just waiting. If we should pass a bill here such as some Senators are trying to pass, and we had a right to come back here and pass some other kind of a bill next year, that would be one thing; but if we pass this bill then we are hooked and the American Congress is powerless to change it until the time for the plebiscite has run out and it is voted on. We can not come back again and undo what we have done once we do it.

Mr. ROBINSON of Arkansas. Mr. President—

The PRESIDING OFFICER (Mr. COPELAND in the chair). Does the Senator from Louisiana yield to the Senator from Arkansas?

Mr. LONG. Yes, sir; I yield.

Mr. ROBINSON of Arkansas. I understand that the Senator does not desire to relinquish the floor.

Mr. LONG. No, sir. I want to discuss this matter for several hours yet.

Mr. ROBINSON of Arkansas. I move that the Senate take a recess until 12 o'clock to-morrow.

Mr. McNARY. Mr. President, I had hoped we would continue until about 5 o'clock this evening, but, of course, that time is only 20 minutes off.

Mr. ROBINSON of Arkansas. I have no objection to going on until 5 o'clock if the Senator insists.

Mr. McNARY. I shall not insist on that course. I do want a session to-morrow, and I think that is the purport of the Senator's motion—to recess until 12 o'clock to-morrow.

Mr. ROBINSON of Arkansas. My motion was to recess until 12 o'clock to-morrow.

Mr. McNARY. I intended to make that motion later.

Mr. ROBINSON of Arkansas. Very well. I will yield to the Senator to make the motion.

Mr. McNARY. No; I am satisfied that we recess at this time, provided we recess until 12 o'clock to-morrow.

Mr. LONG. Then there seems to be no objection, so let us go ahead and recess. It is understood that I shall hold the floor.

The PRESIDING OFFICER. Does the Senator from Louisiana yield for that purpose?

Mr. LONG. Yes, sir; I yield for a recess.

Mr. SHIPSTEAD. Mr. President, before the recess is taken, I ask unanimous consent to offer and have printed an amendment to the pending bill.

The PRESIDING OFFICER. Without objection, the amendment will be received and printed.

Mr. SHIPSTEAD's amendment was, on page 29, after line 13, to insert a new subsection, as follows:

(e) The provisions of this section shall apply to any article which now is imported into the United States free of duty under the provisions of existing law, whenever such article shall be made dutiable by the United States.

#### RECESS

Mr. McNARY. Mr. President, I move that the Senate take a recess until 12 o'clock noon to-morrow.

The motion was agreed to; and (at 4 o'clock and 40 minutes p. m.) the Senate took a recess until to-morrow, Saturday, December 17, 1932, at 12 o'clock meridian.

## HOUSE OF REPRESENTATIVES

FRIDAY, DECEMBER 16, 1932

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O Thou High and Holy One, who dwellest in the high and holy places, we thank Thee for Thy manifold deliverances. Help us all, dear Lord, to rise upon the stepping-stones of ourselves, that we may be truly humble and childlike in our sincerity; may our gaze be forward. Do Thou illuminate our thoughts with a sense of Thy guiding presence and evermore abide with us in the common things of life, which are so essential and countless. By the many opportunities at our hands, inspire us with the abundance of our resources and with a deep desire to know how to use them in the interest of all our people. We pray for a better day to come to our own beloved America. O let the breaking light fall upon it and upon this weary, woeful world. Graciously remember all whose memories are sad and who look through a glass darkly. In the holy name of the Savior. Amen.

The Journal of the proceedings of yesterday was read and approved.

#### MESSAGE FROM THE SENATE

A message from the Senate by Mr. Craven, its principal clerk, announced that the Senate had passed a joint resolution of the following title, in which the concurrence of the House is requested:

S. J. Res. 217. A joint resolution authorizing the President to invite the International Congress of Military Medicine and Pharmacy to hold its eighth congress in the United States.

The message announced that the Vice President had appointed Mr. SMOOT and Mr. HARRISON members of the joint select committee on the part of the Senate as provided for in the act of February 16, 1889, as amended by the act of March 2, 1895, entitled "An act to authorize and provide for the disposition of useless papers in the Executive Departments," for the disposition of useless papers in the Veterans' Administration.

#### PERSONAL EXPLANATION

Mr. BECK. Mr. Speaker, I ask unanimous consent to proceed for one minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. BECK. Mr. Speaker and gentlemen of the House, on Tuesday last when the motion was made to table a resolution proposed by the gentleman from Pennsylvania [Mr. McFADDEN] I was absent in Chicago and, therefore, was recorded as not voting. I rise to state the fact of my absence and to say that if I had been present I would have voted "yea"; in other words, to table the resolution.

#### THE LATE REPRESENTATIVE DANIEL E. GARRETT

Mr. JONES. Mr. Speaker, I ask unanimous consent to insert in the RECORD a very beautiful tribute delivered by the Chaplain of the House, Dr. James Shera Montgomery, on the occasion of the funeral services of the late Representative DANIEL E. GARRETT, of Texas.

The SPEAKER. Is there objection?

There was no objection.

Mr. JONES. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following:

To-day Congress has but one heart, and that is sore and heavy. For a score of years this most capable and patriotic statesman and Christian gentleman has been coming in and going out among us. His character equaled his intellect, as great as that was. He always pledged every motive of honor and love to truth and duty and to universal sympathy and helpfulness. Through

the years all have held this splendid man in unusual esteem and appreciation. When he arose to speak his word was against the folly of vice and for the wisdom of that justice which fulfills the law. Now that the scaffolding has fallen away from his irreproachable life, with what sincerity and genuineness does his character rise before us. He walked uprightly; he wrought righteousness; he spoke the truth in his heart; and his life was overflowing with generosity, ever lifting the shield of friendship above men who had made mistakes and were misunderstood. The other hour, when earth's sky was receding from his mortal sight, the heavens opened, and the pure, white soul of DANIEL E. GARRETT became immortal.

#### LEAVE TO FILE REPORT ON BEER BILL

Mr. RAINEY. Mr. Speaker, I ask unanimous consent that the chairman of the Committee on Ways and Means, the gentleman from Mississippi [Mr. COLLIER], have until midnight to-night to file a report on the so-called beer bill, and that all members of the committee have until the same time to present their views, to be printed at the same time.

The SPEAKER. Is there objection?

There was no objection.

#### IMPEACHMENT OF THE PRESIDENT—THE M'FADDEN RESOLUTION

Mr. RAINEY. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. GRIFFIN] may have permission to extend his remarks in the RECORD upon the McFadden resolution.

The SPEAKER. Is there objection?

There was no objection.

Mr. GRIFFIN. Mr. Speaker, my vote on the McFadden resolution has been the subject of considerable misapprehension. I desire to make it clear that my vote had no bearing whatever on the merits of the resolution. In fact, owing to the noise in the Chamber during its reading, I did not hear one-third of its allegations. My vote was not against the President, but simply against laying the resolution on the table instead of referring it to the usual committee.

From my point of view it was no answer to the resolution to lay it on the table. A more effective disposition would have been to refer it to the authorized committee and have it disposed of in the usual course.

The action taken was unprecedented. In my opinion it performed an ill service to the President, since it allowed Congressman McFADDEN's charges to remain on the record unrefuted and in the air.

Furthermore, I would urge that it is not a good precedent in a free country to say, in effect, that a citizen shall not be permitted to air his grievances, even if they happen to be against the highest in the land. We have no such thing in this country as lese majesty. "A cat may look at a king," and a Member of Congress, as well as any citizen, is, and ought to be, entitled to his day in court. We may not like his proposal, but orderly parliamentary procedure may be relied on to cope with the things we dislike as well as those which we may happen to favor.

#### EXTENSION OF REMARKS

Mr. BYRNS. Mr. Speaker, I hold in my hand a copy of an address delivered by Hon. Harvey H. Hannah, of Tennessee, who was a former president of the National Association of Railroad and Utility Commissioners, and is now one of our State commissioners. This address was delivered on November 17 at Hot Springs at their general convention. He goes into some detail in a short speech of about eight pages with reference to the action of the various utility commissions in connection with the United States Government and makes some recommendations for Federal legislation. I ask unanimous consent that this be printed in the RECORD, because I think it would be informative and instructive to Members of the House.

The SPEAKER. Is there objection?

Mr. UNDERHILL. Mr. Speaker, I reserve the right to object. It is very difficult, indeed, to discriminate between requests of this character. If one is permitted to go into the RECORD, then all should. I have on my desk in my mail

every morning, I suppose, remedies for all the evils which confront our Nation at the present time.

Mr. BYRNS. I would not ask this did the address not relate to certain Federal legislation they are asking.

Mr. UNDERHILL. Mr. Speaker, I object.

#### THE EIGHTEENTH AMENDMENT

Mr. McSWAIN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD on the so-called beer bill, as affected by a correct interpretation of the eighteenth amendment.

The SPEAKER. Is there objection?

There was no objection.

Mr. McSWAIN. Mr. Speaker, however disagreeable and unpleasant the task, this question of beer is before us and must be met and answered. It is an age-old maxim that vices have broad backs and can stand a heavy tax. We are driven to search everywhere for new sources of revenue. Though taxpayers and legitimate industry are groaning under terrific burdens of taxes, still the Budget remains unbalanced, still Government receipts are far less than disbursement, and we are daily running behind several millions of dollars. Yet we are told that vast quantities of whisky, wine, and beer are being sold and drunk, and many of us see unmistakable evidences of this fact. The effort to suppress this illicit traffic costs yearly tens of millions of dollars.

#### WIDESPREAD DEMAND FOR CHANGE

Undoubtedly, some change is seriously demanded. It is a mistake for anyone to charge that this demand for change is confined to the lawless, liquor-drinking, and bootlegging element. Many of our best, most public-spirited, and high-minded citizens now believe that to tax and regulate the making and selling of alcoholic beverages, and thus make it bear its own tax burden and yield a net revenue to the Government would be the fair and reasonable solution of the complex, baffling problem. The fact that both great political parties join in practically the same platform, agreeing to submit to the people of the States the question of repealing or modifying the eighteenth amendment, is profoundly significant. Such a fact can not be brushed aside by the charge that both conventions were stamped by "a bunch of drunken hoodlums." It is not true. When both political parties substantially agree upon such a controversial matter, it shows a nation-wide sentiment that must not, and should not, be ignored.

#### SOVEREIGN STATES MUST DECIDE

But the matter of repealing or modifying the eighteenth amendment is not for Congress. We merely recognize the existence of a nation-wide demand for a referendum, for a chance to reconsider, and then the people of the States themselves, in conventions elected by the people on that specific issue, must decide. At least 36 States must ratify any proposed amendment. But even if 36 or more States decide to repeal or to modify the eighteenth amendment, that does not mean that whisky, wine, and beer are flooded all over the Nation. Each State will be exactly where it was before the eighteenth amendment was adopted. Each State can prohibit its manufacture and sale and transportation within the State. Interstate commerce will not assist violators to evade State laws.

Under the Carey-Cothran law in South Carolina, reinforced by the Webb-Kenyon law of Congress, our State can be made absolutely free from the manufacture, transportation, and sale of intoxicating beverages, if our citizens, witnesses, and jurors, our constables, sheriffs, solicitors, and judges do their duty. Our people of South Carolina did their duty before enforcement of prohibition was virtually surrendered to the Federal agencies.

#### THE PRESENT PRESSING PROBLEM

But Congress has not yet proposed any repealing or modifying amendment to the Constitution. Undoubtedly it will do so, either during this session or the next. But our Democratic platform binds Democrats to support legislation to legalize and tax the sale of beer containing alcohol "within constitutional limitations." What are those limitations?



What means the eighteenth amendment? That amendment prohibits the sale, manufacture, or transportation of "intoxicating beverages." According to Webster's International Dictionary, "intoxicate" means "to poison or to drug," "to make drunk," "to excite to a transport of enthusiasm, frenzy, or madness." This dictionary and its definition were in existence when the people ratified the eighteenth amendment as a part of the Constitution. They understood exactly what they were doing. It is no fair nor logical argument to make, as we sometimes hear from extremists and fanatics that if 10 per cent beer will make a person drunk, then 4 per cent beer will make a person 40 per cent drunk and "to be partly drunk is to be drunk." If that were a sound argument, then the one-half of 1 per cent now allowed by the Volstead Act would make a person 5 per cent drunk, and therefore "drunk is drunk."

#### CONSTITUTION IS THE SUPREME LAW

So long as the eighteenth amendment stands we are bound to respect and obey and support it. Every Member of Congress takes a specific oath to do so. This oath is superior to any pledge or platform of any political party. But we must learn what the eighteenth amendment means and try to agree upon such meaning. While the dictionary tells us what the words of the eighteenth amendment mean, it does not, and can not, nor can any law book, tell us what percentage of alcohol will produce "intoxication." No mere exhilaration or stimulation is "intoxication." If that were true, then coffee or tea might be classed as "intoxicating beverages." Millions must have their morning cup of coffee, their daily Coca-Cola, and their afternoon tea. Common sense compels us to admit that "intoxication" means "drunk." Just what percentage of alcohol in beer will make the average person "drunk"? We must legislate for the average person. Some persons are extremely sensitive to alcoholic stimulation and a small quantity would make such persons "drunk." Another person is not made "drunk" by even a large quantity of alcohol. The same is true of any drug or medicine. Different doses for different people. But for all practical purposes there must be a dividing line somewhere. Everybody admits the one-half of 1 per cent allowed by the Volstead Act is not intoxicating. I believe that nearly everybody will admit that 10 per cent alcohol is intoxicating. Where is the dividing line, and who is best prepared to point it out to us?

#### WHAT SAY THE MEDICAL MEN?

Doctors are qualified experts. Personally, I do not know what alcoholic content is intoxicating. If I were a judge on the bench, and the question came before me, no law book could give me any light on the question. I would have to ask somebody. Whom would I ask? I can think only of physicians, doctors of medicine, who have the right to prescribe alcohol for medicinal purposes. They have observed a great many cases. They have seen deaths from alcoholism. They have seen health wrecked by use of alcohol. Yet they prescribe it as a medicine in certain cases. They prescribe strychnine in small doses to stimulate. Yet a large dose will quickly kill. No other class has the same background of experience, study, and observation as has the medical profession. To them have I turned for help. I sent out the following letter to the 254 physicians in my congressional district:

MY DEAR DOCTOR: I am asking you your opinion about a matter of great public interest and importance. Manifestly, we will be called upon to vote on the question of authorizing the manufacture, transportation, and sale of beer, and perhaps light wines, containing 3 or perhaps 4 per cent of alcohol. By the eighteenth amendment to the Constitution the manufacture, transportation, and sale of intoxicating beverages is prohibited. As a Member of Congress, I am sworn to protect and defend the Constitution. So long as the eighteenth amendment remains a part of the Constitution, I can not vote for any bill which authorizes the manufacture, transportation, and sale of intoxicating beverages.

Now, the question is this: Is beer or wine containing 3 or 4 per cent of alcohol an intoxicating beverage? Having had no experience with the drinking of beer and wines, and not having observed many cases where beer and wine of that alcoholic content have been drunk, I am unable to form a personal opinion as to whether or not such beer or wine is intoxicating. Of course, there are extreme cases in connection with any drug. But the dosage suggested by medical authorities is based upon the law of

averages. There is one dosage for adults and another dosage for children. But the individual physician can regulate the dosage according to the temperament and constitution of the patient.

But there must be some dividing line somewhere as between nonintoxicating beverages possessing a small content of alcohol and intoxicating beverages containing enough alcohol to be acknowledged generally as intoxicating. Now, it seems to me that the medical profession is best qualified to give an opinion upon this question of fact. Certainly the physicians of the country have the character, the impartiality, and the experience to qualify them as experts on this question. Of course, no law passed by Congress can legalize the sale of beer or wine in South Carolina so long as our State laws remain as they now are.

To assist you in helping me, I am sending a self-addressed stamped envelope and suggesting that if you see fit you can turn this letter over and give a very brief answer on the back thereof and fold it and place in the inclosed envelope and mail at once to me. I hope there will be no unnecessary delay.

With kind regards, I am, yours truly,

J. J. McSWAIN.

These physicians are gentlemen of high character. They are patriotic citizens. They have families, they are members and officers of churches, they minister to sick men, women, and children, and stand by the bedside of the dying, to relieve and to comfort. I trust our physicians, and I invite my colleagues to poll the physicians in their respective districts. While doctors differ necessarily in details, there is marvelous agreement among those who have answered by letter.

While not all the physicians to whom I have written have had time to answer, I have received a sufficient number to give a fairly good index of the sentiment of the medical profession in my congressional district. I have checked them very carefully and I found that 82 per cent of all who have answered the question have expressed the opinion that beer containing not exceeding 4 per cent alcohol is not an intoxicating beverage. Some of those who expressed the opinion that such beer containing not exceeding 4 per cent alcohol is intoxicating rest their opinion upon the ground that such beer drunk continuously would prove injurious to the health. I readily grant that such views are probably correct. But the Constitution, in the eighteenth amendment, does not prohibit the manufacture, sale, and transportation of "injurious beverages." I know some eminent physicians who sincerely believe, and openly proclaim, that the use of tea and coffee and Coca-Cola continuously and in large quantities as beverages is injurious to the health. In fact, most any food, especially rich meats and very sweet foods, if eaten to excess and continuously, will undoubtedly prove injurious to the health. Though the excessive eating of such rich foods might cause a person to be drowsy and sleepy, and though the excessive drinking of tea, coffee, and Coca-Cola might cause a person to be wakeful and consequently nervous, yet no person would fairly contend that such condition is "intoxication" within the meaning of the Constitution.

Since these physicians are honest and upright citizens, and have answered the question as impartial, scientific men, and have merely recorded their expert opinion, based upon long observation and professional experience, their views are entitled to the greatest weight. I find myself bound by the preponderating majority of these scientific gentlemen, whom I know. Some of the individual physicians who have recorded their opinion with the minority, in holding that 4 per cent beer would be intoxicating, are undoubtedly gentlemen of the highest professional and scientific standing. On the contrary, an even larger number of those who say that such beer would not be intoxicating are also of the highest professional and scientific character. When I find such a large preponderance of testimony in favor of the view that such beer would not be intoxicating, I feel that here is a solid foundation upon which I can rest the exercise of my duty. Not knowing of my own knowledge, and not having had much opportunity for observation concerning the use of intoxicating and nonintoxicating beverages, I have appealed to the doctors of medicine in my district for guidance. Of course, I expected there would be some difference of opinion among them. But the majority is so overwhelmingly of the opinion that 4 per cent beer would be nonintoxicating that I am bound to respect this over-

whelming majority opinion and to govern myself accordingly.

Therefore, I can follow the Democratic platform, and vote to raise revenue from the sale of such beer not exceeding 4 per cent alcohol, as the laws of any State may permit to be sold in such State. Of course, such beer can not be sold in South Carolina so long as our State statutes remain as they now are. Since some States notably are virtually nullifying the Volstead Act, the Federal Government needs and can get large revenues from such sale of beer in those States permitting same.

#### DEPARTMENT OF THE INTERIOR APPROPRIATION BILL

Mr. HASTINGS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 13710) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1934, and for other purposes. Pending that motion, can we not agree on some time for closing general debate? What suggestion does the gentleman from Ohio have to make in reference to it?

Mr. MURPHY. I think that we can get along on this side with 45 minutes.

Mr. HASTINGS. Then I ask unanimous consent that general debate proceed for two hours, one hour on a side, to be equally divided between the gentleman from Ohio [Mr. MURPHY] and myself.

The SPEAKER. The gentleman from Oklahoma moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 13710, and, in the meantime, asks unanimous consent that the time for general debate be limited to one hour on a side, one-half to be controlled by the gentleman from Ohio and one-half by the gentleman from Oklahoma. Is there objection?

There was no objection.

The SPEAKER. The question is on agreeing to the motion to go into the Committee of the Whole House on the state of the Union.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of H. R. 13710, with Mr. BLAND in the chair.

The Clerk read the title of the bill.

Mr. HASTINGS. Mr. Chairman, I yield 20 minutes to the gentleman from Alabama [Mr. HUDDLESTON].

Mr. HUDDLESTON. Mr. Chairman, the majority leader [Mr. RAINEY] opened the debate upon the Garner resolution for the repeal of the prohibition amendment by reading the planks from both the Republican and Democratic platforms of 1932. I regret that he did not read the plank of the platform of 1928 upon which he and I were elected and on which both now hold office. If a platform constitutes a pledge, that plank will remain our pledge until the 4th of March next. That platform declared flatly for enforcement of the eighteenth amendment.

Speaking for the National Democracy, this convention pledges the party and its nominees to an honest effort to enforce the eighteenth amendment.

#### HOW PARTY PLATFORMS ARE REGARDED

It is a regrettable fact that political platforms are written by opportunist gentlemen for the purpose of catching votes, and not as an expression of party principles, and that accordingly men adhere to them or not as may suit their convenience. The eminent gentleman nominated for President on the platform of 1928 promptly stated that he would not stand on its prohibition plank. Nevertheless, I supported him with every ounce of my strength and at the sacrifice of friendships of a lifetime. He now admits responsibility for the wet plank in the platform of 1932, and I trust he will be equally liberal and find it in his heart to forgive me when I decline to stand upon that plank.

The truth is I do not see how anyone could stand on either the Democratic or Republican 1932 planks. Both are

illogical, inconsistent—both face several ways. Even Mr. Janus himself could not stand on them. He has only two faces—it would take four faces at least to stand on these platforms.

The further truth is that I had my position on prohibition long years before those who write party platforms dared to deal with the subject. I had my position and stated it to my people long before a Democratic convention deemed it expedient to take a position. My position was based on conviction and upon principle, and it must not be expected of me that I shall shift it to suit the facile pronouncements of those who are concerned merely with vote getting.

#### NEITHER A WET NOR A DRY

As one who is neither a wet nor a dry in the sense of regarding prohibition as a paramount issue or even, in a time like this, as a matter of even secondary importance, I have the disadvantage of being criticized by extremists of both factions. On the other hand, I have the advantage of being able to consider the subject with a fair perspective and from the standpoint of reason.

I was inclined to resent that the repealer proposal was brought before the House for final vote on the first day of the session, under the rule which permits no real debate and no amendments. On second thought, it seems that this precipitancy was proper. At least three-fourths of the Members are either wets or dries with minds hermetically sealed against argument, and making it a point of honor not to listen to reason upon the subject—so why should there have been debate?

#### TWO METHODS OF RATIFYING BY CONVENTIONS

The gentlemen who are pressing for repeal of the eighteenth amendment through ratification by conventions instead of by legislatures in accordance with the unbroken practice are bound to have in their minds one or the other of two methods of creating the conventions; that is, by conventions created by the States, and which are the instrumentalities of the States and the members of which are officers of the States and amenable to the State laws; or, secondly, by conventions created by Congress, and which are instrumentalities of Congress, which Congress shall provide for and supervise, and in the creation and working of which the sovereignty of the States as such is wholly ignored. There is no other alternative. One or the other method of creating the conventions is contemplated.

And now I call upon them as a matter of political square dealing to tell us which of those two methods they contemplate. Perhaps they owe no duty to the dries, but as one who is neither a wet nor a dry, but who on the sole ground that the regulation of the liquor traffic under our governmental system is not a proper Federal function is willing to vote for repeal if properly safeguarded, I feel that I am entitled to know which method they intend to follow.

#### DUTY OF REPEALISTS TO DISCLOSE PURPOSE

As one who occupies between these factions a ground of neutrality and wants to act upon sober reason, I feel that I am entitled to know what method the repealists intend to follow, because by that knowledge will my vote be determined. It may be that those on the wet side have votes to throw away and do not need to disclose their position. They tossed mine away the other day, and perhaps they will continue to do so. But from a point of good faith I ask them to disclose what they intend to do.

One of the most prominent of the wets, Mr. Palmer, former Attorney General, has declared in favor of ratification by conventions created by the Congress, and in which the States are to be ignored. Does he speak for his associate leaders? It is upon them to say.

#### RATIFICATION BY CONVENTIONS UNDER STATE AUTHORITY

I now make of them what I recognize as a fruitless request—fruitless, because, as I said, their minds are hermetically sealed and closed to any fair consideration of this matter. I ask them to visualize what will transpire by either of these two methods of ratification by convention between which they must take a choice.



In ratification by conventions created by the States, Congress must first submit the amendment; then the legislatures of the States must take action to call the conventions. They must pass laws for the holding of elections and fixing the dates upon which the conventions shall be assembled. The action of each legislature will be subject to approval or veto by the governor of the State. This legislative action is the first hazard which the repealists must encounter if they pursue that method.

Manifestly, all legislatures opposed to repeal will fail to call the conventions—will decline to take action. That will be their negative way of refusing to ratify; and the governors who are opposed to repeal will veto any measure for the holding of those conventions.

#### THE SECOND HAZARD FOR RATIFICATION

If the wet leaders have in mind to take this course, I call to their attention that not only are they providing for delay in ratification, but they are adding to the difficulties which confront repeal, for not only will they have to gain the approval of the legislatures and governors, but the issue must then be submitted to the people in the election of delegates to the conventions. Thereupon they must meet the second hazard, the peoples' vote upon ratification. This, in effect, is merely to give to the people the power to veto the favorable action on ratification taken by the legislature. The people will be able to exercise this right only if the legislature shall be favorable to repeal.

There is no escape. I challenge any advocate of that method to point out any escape from this dilemma. Therefore we may assert that it is certain beyond all question that gentlemen who favor ratification by conventions to be created by the States are providing a means for delay of ratification and a means whereby ratification will be made more difficult. Let somebody answer that if he can.

#### RATIFICATION UNDER AUTHORITY OF CONGRESS

Now, let us turn to the method of ratification by conventions created by the Congress. Permit me to say in passing that I do not doubt these wet leaders really want repeal, I credit to them the ability and perception to see the difficulties which I have pointed out, and, therefore, I must conclude that they do not intend to pursue the method of ratification by conventions to be held under the auspices of the States. It is fair and logical to assume that what they have in mind, but which they have not revealed to us, is an intention to ignore the States, to hold the ratifying conventions under the supervision of Congress itself. Any other view would be to charge them with stupidity or with deliberately betraying their own cause.

#### ON UNCONSTITUTIONALITY OF PROPOSAL

What difficulties are involved in that method? First, there is the constitutional question. I do not believe the method is constitutional. In the RECORD of the 5th of December I set forth my views at some length and expressed the opinion that it was unconstitutional. Upon a subsequent day the gentleman from Pennsylvania [Mr. BECK] very ably argued the point and, in my judgment, clearly demonstrated that the proposal is unconstitutional. I do not desire to add anything to what I said then nor to what the gentleman said, except on this point.

The grounds on which it is contended that Congress may create ratifying conventions is that the Supreme Court has declared the function of the legislature in ratifying to be a "Federal" function, and in another case in passing upon the power of Congress to place a time limit within which ratification must be accomplished, stated that the limitation was legal as an incident to submitting the amendment; as "an incident" to it. The implication is strong that unless, as a part of the resolution of submission, and "as an incident" to submission, the Congress provides a limitation upon the time, Congress has exhausted its function when it submits the amendment, and can not by subsequent action limit the time within which action on ratification must be taken.

The proposal submitted to us on the 5th of December does not provide for ratification by conventions to be held under the supervision of Congress. That provision is not

adopted as an incident to submission. If it is to be provided at all, it will have to be by subsequent legislation, by another measure passed by Congress, which must be passed in the usual way as a law and be submitted for the signature of the President just as any other law adopted by Congress.

So that if we visualize what will transpire in this alternative, after the consent of two-thirds of Congress has been secured to submission, Congress must pass a law providing for the holding of these conventions in the several States and the manner and time within which they may act. This adds to the certainty that the proposal is unconstitutional.

Mr. BECK. Mr. Chairman, will the gentleman yield for a question right there?

Mr. HUDDLESTON. I yield.

Mr. BECK. I would like to ask the gentleman from Alabama whether he has considered further the logical application of the theory of the Federal function? Carried to its extreme, it would mean that the legislature of a State, even in the matter of proposing an amendment, is a Federal agency to be supervised by Congress, and whether that does not reduce the theory upon which Mr. Mitchell Palmer's brief is based to an absurdity?

Mr. HUDDLESTON. I agree most heartily with the gentleman. Undoubtedly it does. It further demonstrates what I said in my original remarks upon this subject, that from a constitutional standpoint the proposal is nothing short of preposterous.

I had a letter from an eminent jurist yesterday in which he spoke about this question and said that the proposal was "constitutional idiocy." That goes rather farther than I would care to go. At any rate, any lawyer is bound to admit that from the standpoint of those who want to submit the repealer amendment in that fashion its constitutionality is a matter of the gravest doubt.

No man can say with any degree of confidence that the Supreme Court will sustain such action upon the part of Congress. So these gentlemen who propose that method have first to face the hazard of a decision of the Supreme Court, which will result in delay and uncertainty and have other objectionable features.

#### UNITED STATES MARSHALS WILL HOLD ELECTIONS

If this method is adopted, what will Congress do? Congress will hold elections in the State of Alabama, and in every other State—an election outside of the authority of the State—will prescribe the day for holding that election and the qualifications of the voters and of the candidates, and for the division of the State into districts for a basis of representation. Then we will see upon that day the citizens and voters of the several States assembling to cast their ballots under the supervision of United States marshals and, if considered needful for the preservation of order, surrounded by Federal bayonets.

[Here the gavel fell.]

Mr. HASTINGS. Mr. Chairman, I yield the gentleman five additional minutes.

#### IS THIS WHAT WET LEADERS PROPOSE?

Mr. HUDDLESTON. I ask any who have the faintest glimmer of our governmental system, who have any dream of adherence to the ancient and accepted doctrines of self-government and of the rights and dignity of the States, are you willing to visualize the spectacle of your fellow citizens assembled by the power of Congress, with their qualifications prescribed by Congress, under officials chosen through congressional authority, with the right, power, and laws of your States ignored and flouted, for the purpose of binding the people of your State in a matter of such supreme importance as an amendment to the Constitution of the United States? Is this what the leaders of the wets propose?

Let me say to these leaders, whoever they may be, that if they have any such thought in mind they should eject it instantly. The people of this country will not submit to congressional dictation in their elections. [Applause.]

What they propose, instead of furthering their efforts to bring liquor back, will retard their progress and defeat their efforts.

## CONSEQUENCES OF PRECEDENT

I have not time at my disposal to discuss the full consequences of such a precedent. Suffice it to say that it means the eventual destruction of the States. If we are to have centralization, if my State is to become a mere province, I would prefer to proceed to it frankly and with my eyes open, and not by gradual encroachments which will inevitably bring about that end.

Where are the traditions and memories of those on my side of the House? What has become of their principles? I do expect my fellow Democrats to have principles and not to forget them merely because they see a fancied opportunity to cut across lots and to accomplish an end which they desire.

The consequences of what is proposed will be disastrous. It will close the door on many of the people's liberties and rights of self-government. These consequences will not end with this measure. They will last so long as this Nation may survive. [Applause.]

Mr. FRENCH. Mr. Chairman, I yield 15 minutes to the gentleman from Montana [Mr. LEAVITT].

Mr. LEAVITT. Mr. Chairman, I have asked for this time because on the Consent Calendar which will be reached next Monday there are six bills that provide authority for exchanges of lands within national forests for other lands that are tributary to those national forests.

Mr. Chairman, these six bills were reached on the Consent Calendar during the first session of this Congress, but for various reasons that were presented in the debates they were objected to and passed over.

Being acquainted with the purpose of these measures and knowing that next to prevention and control of fire within the national forests there is no instrument in the hands of the Forest Service so valuable in preserving the future resources of the timberlands of our country as is contained in this exchange act, during the summer period I have gathered together and have had gathered together for me information to enable me to present the real policy of the Forest Service, the history of this legislation, and the methods that have been followed in carrying it out and putting it into effect.

Two of these bills come over from the Senate. One of them applies to the Chelan National Forest in the State of Washington. That is Senate bill 3716. One of them is Senate bill 763, applying to the national forests of the State of Oregon.

Of the House bills two were introduced by the gentleman from Idaho [Mr. FRENCH], applying to the Boise and the St. Joe forests; one is by the gentleman from Colorado [Mr. TAYLOR], applying to the Gunnison forest; and one is by the gentleman from Washington [Mr. HILL], applying to certain forests in the State of Washington.

Now, I am very certain that the objection that has been raised in the past to these bills is based on the bad results that arose from the original act passed back in 1897 and which was repealed in 1903. That was known as the forest lieu selection law. I wish to impress you now with the fact that that law was repealed in 1903 and that substituted for it is what is known as the forest exchange act of 1922, which is now, with amendment, the law under which we are operating.

I want to present briefly to you these two laws and point out to you the differences between them. The forest lieu selection law of 1897 was essentially a bad law, although it was based upon a good idea. It reads in part as follows:

That in cases in which a tract covered by an unperfected, bona fide claim or by a patent is included within the limits of a public-forest reservation, the settler or owner thereof may, if he desires to do so, relinquish the trust to the Government and may select in lieu thereof a tract of vacant land open to settlement not exceeding the area of the tract covered by his claim or patent.

Let me pause here to emphasize that the exchange under that act was based on the question of area and had nothing whatever to do with questions of value. The law then reads in this way:

And no charge shall be made in such cases for making entries of records or issuing patent covering the tract selected: *Provided*

further, That in cases of unperfected claims the requirements of the law respecting settlement, residence, improvements, etc., are complied with on the new claim, credit being allowed for the time spent on the relinquished claims.

This appeared innocent enough, but all of us who live in the western country or have ever lived there know that it was taken advantage of in a way that was very detrimental to the Government. It gave the right to the owner of the land or the unperfected claim within the forest area to select other lands, and without regard to comparative values, to make the selection based entirely upon area, and the scandals that grew out of this are, of course, a matter of history. This was because timberlands of high value were selected in place of lands of low value. For this reason it became necessary to repeal the act. The matter was taken up and the act was repealed about 29 years ago.

The exchange act under which the Forest Service now operates is a totally different law. It is based upon a totally different plan of administration. It gives no right to any owner of land to make these exchanges. The authority is entirely with the Secretary of Agriculture and the Secretary of the Interior so far as the making of the exchange is concerned.

I want to consider just for a moment the history of the general exchange act and I am going to attach, with the consent of the House, a list of the various acts that have been passed that have to do with this matter, leading up to the general exchange act that I am now going to discuss.

The first measure was passed on February 28, 1911, and it dealt only with the Kansas National Forest. Following that there was a veritable flood of acts that were introduced and passed, and it became apparent that some general policy was necessary. So the present act was signed on March 20, 1922, and this law reads as follows:

That, when the public interest will be benefited thereby, the Secretary of the Interior be, and hereby is, authorized in his discretion to accept on behalf of the United States title to any lands within exterior boundaries of the national forests which in his opinion or the opinion of the Secretary of Agriculture are chiefly valuable for national forest purposes and in exchange therefor may patent not to exceed an equal value of such national forest land in the same State, surveyed and nonmineral in character, or the Secretary of Agriculture may authorize the grantor to cut and remove an equal value of timber within the national forest of the same State, the values in each case to be determined by the Secretary of Agriculture.

Under my privilege to extend, I shall later in my remarks put in the entire law.

It was found in actual administration that some amendment was needed even to this act, so in 1925 there was an amendment added which was approved under date of February 28, 1925, adding this section:

Either party to the exchange may make reservations of timber, minerals, or easements, the values of which shall be duly considered in determining the values of the exchanged lands. Where reservations are made in lands conveyed to the United States, the right to enjoy them shall be subject to such reasonable conditions respecting ingress and egress and the use of the surface of the land as may be deemed necessary by the Secretary of Agriculture—

And so on.

This is the principal part of this act, and it is under this act, as amended, that exchanges are now being made between the United States and private owners of lands that are within or contiguous to the national forests.

As I have said, there are pending, and to be reached on the Consent Calendar next Monday, at least some of six acts that are intended to apply the principles of this exchange act to areas that do not come within the description of the general law, because that law is confined to areas that are within the national forests.

It has been found, as a matter of experience, that lands that are contiguous or within a reasonable distance of national forests very frequently can be added to the national forests in exchange for other lands or for stumpage of timber owned by the United States within the national forests, adding to the existing or prospective timberlands. Very frequently land that is now ready for the cutting of the timber is so situated that it is not readily marketable at this time, and other land that has been cut over within



the last few years, through its ownership by private individuals, that is close or adjoining the national forests, is now producing a crop of timber that will be ready for cutting within the next 25 or 30 or 40 years. That kind of land is received in exchange for stumpage on the national forests and for lands of equal value that are within the national forests. This is greatly to the advantage of the Federal Government, because in this way we are adding, year by year, very materially to the acreage of our great reservoir of timber that is to be available in the future.

There is not going to be a running out of our timber supply within the next 25 or 30 years, of course, but there is going to come a time when we will have to depend upon our own timber resources for the timber we use in this country. That is going to come in a matter of 25 or 30 or 40 years, and there are continually increased acreages of land now cut over, some of them without great value at present for saw timber but with great future value, which are being acquired under the exchange act. I say that for this reason nothing lies within the power of the Forest Service that is so valuable to our country, except the power to prevent and fight forest fires in the existing forest areas, as this power under the exchange act to add to the acreage within Government control of our great timber reserve to be used in the future.

I am going to add, with the consent of the House, a number of cases that will show the action taken by the Forest Service in making these exchanges. If there is any question, I would like to answer it and have permission of the House to extend my remarks, including additional data and history.

The CHAIRMAN. The gentleman from Montana asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. STAFFORD. Will the gentleman yield?

Mr. LEAVITT. I yield.

Mr. STAFFORD. The gentleman did not refer to that provision of the law, but I believe that the land to be exchanged and incorporated had to be within a certain number of miles of the boundary. The query came to my mind in construing that act, after the exchange was made within the 4-mile limit, could the Forest Service keep on extending the boundary indefinitely for four miles until they covered the whole State, or did the 4-mile limit pertain to the original boundary?

Mr. LEAVITT. Such a law as that is applied to Montana, and provides the lands exchanged must be within 4 miles of the boundary of the forest, as it was at the time of the act, as I understand it.

Mr. STAFFORD. So they were confined to 4 miles of the original boundary?

Mr. LEAVITT. I think so.

Mr. COLTON. I agree with the gentleman from Montana. I think that was the intention of Congress.

Mr. STAFFORD. Is not this a proposition for the financial advantage of the private owners, after they have stripped the land of merchantable timber, after the land has been denuded, to sell it to the Government?

Mr. LEAVITT. That is not the object.

Mr. STAFFORD. But that is the effect of it.

Mr. LEAVITT. It can be taken off their hands under exchange of equal conditions as to value. After the agreement has been reached, the Secretary of Agriculture is the final judge as to the facts. Even if it does take these lands from the owners, if it provides a future reserve of timber, it is advantageous to the Government.

Mr. STAFFORD. The land that has been cut over and denuded of timber is to be exchanged for stumpage in the forest reserve.

Mr. LEAVITT. Surely.

Mr. STAFFORD. And relieve the State to that extent to look after—as for instance, fire protection—the privately owned land.

[Here the gavel fell.]

Mr. FRENCH. I yield to the gentleman five minutes more.

Mr. GOSS. Will the gentleman explain the working of the revolving fund that is used by the Forest Department in acquiring these lands?

Mr. LEAVITT. Revolving fund?

Mr. GOSS. That is what I call it.

Mr. LEAVITT. Let me say to my friend that there is no such fund.

Mr. COLTON. This exchange is based on the value of the land and the timber. There is no considerable amount of money involved, so there is no revolving fund.

Mr. GOSS. Is there a credit given in connection with the cutting off of certain of these stumpage rights, held in abeyance until they can pay for the rest of the tracts?

Mr. LEAVITT. I know what the gentleman has in mind, and I shall discuss that in a moment.

Mr. COLTON. The question I had particularly in mind is this: Even granting that the Government gets cut-over land in most cases, is it not necessary in most cases for the administration of the forest, and, after all, it is the best means of protecting from fire timber that is now within the forest reserves.

Mr. LEAVITT. It in that way furnishes an insurance policy for the timber that already belongs to the Government by adding it to a more complete administrative unit. What I think the gentleman from Connecticut [Mr. Goss] refers to as a revolving fund comes from the fact that when these exchanges are up sometimes this happens. Timber to be given in exchange is cut, of course, under the national forests regulations, and deposits are required to cover the stumpage pending the final approval of the exchange. If the exchange is approved the money is returned, and if not it goes into the Treasury to complete the transaction as a timber sale. Sometimes there is land thrown in with the national-forest land to make a logging unit, and the whole thing is handled under such an agreement and all handled as one logging unit, and this protects the private small owner also. The law requires that all these exchanges be on the basis of adequate and comparable value, so that it is not always best for the money to be immediately applied to the exchange, and it is always applied with this idea of securing for the Federal Government equal values that are valuable also in connection with the administration of the forest.

Mr. COLTON. It does not go into a revolving fund.

Mr. LEAVITT. No; it does not go into a revolving fund.

Mr. GOSS. But it might affect several different lands or stumpage in different hands.

Mr. LEAVITT. I have a number of actual cases that I shall print in the RECORD, and the gentleman will see that the history of the whole thing has been greatly to the advantage of the Federal Government.

Mr. GOSS. In the case I have in mind it seems to me that the Government entered into a deal with these private landowners whereby the private landowners and the Government, on a 50-50 basis, policed it for fire protection, and so on. Then there was this exchange to one logging show that was handier to go to the mills. They did not have to draw logs so far, exchanging inside the forest for timber outside the forest for a better logging show, so to speak. I think that was in the Coeur d'Alene bill, the Potlach Lumber Co.

Mr. FRENCH. Of course, that is a hypothetical case. No specific lands either in or outside the area could have passed.

Mr. GOSS. It was in the report of the bill, as I recollect it.

Mr. FRENCH. No specific case. It might be possible that land would be exchanged that would be nearer a mill.

Mr. GOSS. And the Government had paid out this money to protect that from fire and then made that exchange.

Mr. FRENCH. But, as Mr. LEAVITT has said, the exchange would be on a value basis.

Mr. LEAVITT. I am going to put into the RECORD, under the permission that has been granted to me, a number of specific exchanges, showing exactly the considerations. I shall put in 40 or 50 of them.

The CHAIRMAN. The time of the gentleman from Montana has again expired.

Mr. FRENCH. Mr. Chairman, I yield the gentleman five minutes more.

Mr. EATON of Colorado. Mr. Chairman, will the gentleman yield?

Mr. LEAVITT. Yes.

Mr. EATON of Colorado. Were not these great benefits which the gentleman has related to us, and the worthy parts of the law perverted into what the gentleman from Connecticut [Mr. Goss] wants to designate as a revolving fund, in a way to keep from the revenues of the United States the money which it ought to receive from the sale of the timber, and was it not used for the purpose of buying lands for the United States without any appropriation from Congress, it being used merely as an administrative device to accomplish that purpose?

Mr. LEAVITT. There is nothing that has been done by the Forest Service, as the history I shall put in here will show, that is not in accordance with the law exactly, and in my judgment there has not been a single exchange made that has not been to the equal advantage and sometimes greatly to the advantage of the Government of the United States.

Mr. EATON of Colorado. Does the gentleman know of some of the cases where the Forestry Bureau has by what we will call a "transaction" agreed to take certain lands owned by a locator, either patented or unpatented, within a forest reserve, agreeing to transfer to him lands on the outside, and then by a side agreement not a matter of record—

Mr. LEAVITT. They could not exchange lands on the outside.

Mr. EATON of Colorado. Very well, then lands only within the forest—and by a side agreement instead of accomplishing an actual transfer of the lands, then require a logger or person having a contract with the United States to cut the timber from the lands, impound the money from month to month until enough money was received to pay for the second tract of land and in the final transaction in fact pay over the money to the person who had the tract in the forest.

Mr. LEAVITT. I do not know the case, but I am sure what they have done has been entirely within the provisions of law.

Mr. EATON of Colorado. Whether within or without the provisions of the law, the effect has been for the United States Government to buy and get back into its possession land upon which a private owner had a title, and was, theoretically at any rate, paying taxes to the county and the State in which the lands were located, and this act was used for the purpose of divesting land of its private status, and getting it back into the United States Government ownership. That is a fact, is it not?

Mr. LEAVITT. Why, yes; it is the fact that it goes back into the ownership of the United States, to become a part of the national forest.

In every case I know of, and I was in that work for 11 years, it was greatly to the advantage of the United States, and in my judgment to the local community as well. The local community does not cease to receive revenues because the land goes into the national forest. Many times it gets more than if it remained in these isolated places up in the mountains where they are often not able to pay taxes.

Mr. EATON of Colorado. I would respectfully state to the gentleman that in the last 10 or 11 years since the gentleman has been in Congress, at least some complaints have been made of the manner in which these things were being done.

Mr. LEAVITT. Oh, yes.

Mr. EATON of Colorado. While I heard of none during the time the gentleman was connected with that service.

Mr. LEAVITT. People also complain about the gentleman's service and mine in Congress, of course. Anything like this is subject to complaint, that is done by the Federal Government. But that does not prove that it is not to the

advantage of the United States and to people generally, and that means the local people as well, to have this exchange act in effect. These great forest areas can thus be consolidated and properly preserved not only for the protection of the stream heads but for the future supply as well as the present supply of timber for the needs of the United States. That can not be done when they are checkerboarded with private ownership all through.

Mr. EATON of Colorado. The gentleman seemed to think I was facetious in using the word "complaint." When I used the word "complaint" I meant well-supported complaints of what appears to be a perverted use of the power and authority, and the wrongful use of the power and authority vested, in getting transfers of land in at least four or five forests in the forest reserves.

Mr. LEAVITT. There is nothing in this law that authorizes the Secretary of Agriculture to force any private owner to exchange any of his land. It must be by mutual agreement between the Government and the private owner, and it can not be done otherwise and never has been since the repeal of the first act, which gave the private owner all of the authority and left none to the Government.

Mr. GARBER. Will the gentleman yield?

Mr. LEAVITT. I yield.

Mr. GARBER. The people of the mid-West, the West, and the Southwestern States, while not immediately and directly affected, are very much interested in the policy of conservation of forests, and in reforestation. The gentleman is recognized as a close student of forestry questions, and as an authority upon those questions, I would like to ask the gentleman if the existing provisions for reforestation are satisfactory? That is to say, are they practical and do they result in trees being planted and growing, rather than in just mere theory and statistics?

Mr. LEAVITT. Of course a great many acres of forest lands have been planted and are being planted continually. The greatest single activity of the Forestry Service has to be the protection of the great areas, because the money is not available to carry on as extensive a planting program as ought to be carried on.

Mr. GARBER. But under the existing policy that has been definitely adopted, the stumpage land secured in exchange, under all existing acts which the gentleman has detailed, would be utilized for that purpose?

Mr. LEAVITT. To a great extent, but not altogether, because much of it is already coming up with second growth and requires no replanting. The merchantable timber has been taken off, in some cases, years ago, and the mere protection of it from fire brings up the timber. The planting operations are on some of those areas and also on other areas within the national forests that are not secured in exchange.

Mr. GARBER. I understood that this was one of the main considerations.

Mr. LEAVITT. Oh, yes.

Mr. GARBER. One of the main considerations for supporting the respective acts, to afford the Government an opportunity to utilize its reforestation policy for the benefit of all the people of all the several States.

Mr. LEAVITT. That is true, and to make my remarks complete I add a considerable amount of detail and tables.

The forest lieu selection law of 1897 was in full as follows:

That in cases in which a tract covered by an unperfected bona fide claim or by a patent is included within the limits of a public forest reservation the settler or owner thereof may, if he desires to do so, relinquish the trust to the Government, and may select in lieu thereof a tract of vacant land open to settlement not exceeding in area the tract covered by his claim or patent, and no charge shall be made in such cases for making entries of records or issuing patent covering the tract selected: *Provided further*, That in cases of unperfected claims the requirements of the law respecting settlement, residence, improvements, etc., are complied with on the new claims, credit being allowed for the time spent on the relinquished claims.

The act of March 20, 1922 (42 Stat. 465), reads as follows:

That when the public interests will be benefited thereby the Secretary of the Interior be, and hereby is, authorized, in his discretion, to accept on behalf of the United States title to any lands within exterior boundaries of the national forests which, in the opinion of the Secretary of Agriculture, are chiefly valuable



for national forest purposes, and in exchange therefor may patent not to exceed an equal value of such national forest land in the same State, surveyed and nonmineral in character, or the Secretary of Agriculture may authorize the grantor to cut and remove an equal value of timber within the national forests of the same State, the values in each case to be determined by the Secretary of Agriculture: *Provided*, That before any such exchange is effected notice of the contemplated exchange, reciting the lands involved, shall be published once each week for four successive weeks in some newspaper of general circulation in the county or counties in which may be situated the lands to be accepted and in some like newspaper published in any county in which may be situated any lands or timber to be given in such exchange. Timber given in such exchange shall be cut and removed under the laws and regulations relating to the national forests and under the direction and supervision and in accordance with the requirements of the Secretary of Agriculture. Lands conveyed to the United States under this act shall upon acceptance of title become parts of the national forest within whose exterior boundaries they are located.

In actual operation it was found that the above law needed some liberalization. In the absence of qualifying terms the law was necessarily construed as requiring the transfer of fee simple title in each case, the private owner furnishing a fee simple title to the Government and the Government granting a fee simple title to the owner. In many instances this was an impossibility on account of such things as outstanding rights of way or reservations of mineral made by some party to a transfer in the chain of title. Consequently the law was amended by the passage of the act of February 28, 1925 (45 Stat., 1990), adding thereto the following section:

Sec. 2. Either party to an exchange may make reservations of timber, minerals, or easements, the values of which shall be duly considered in determining the values of the exchanged lands. Where reservations are made in lands conveyed to the United States the right to enjoy them shall be subject to such reasonable conditions respecting ingress and egress and the use of the surface of the land as may be deemed necessary by the Secretary of Agriculture; where mineral reservations are made in lands conveyed by the United States it shall be so stipulated in the patents, and that any person who acquires the right to mine and remove the reserved deposits may enter and occupy so much of the surface as may be required for all purposes incident to the mining and removal of the minerals therefrom, and may mine and remove such minerals upon payment to the owner of the surface for damages caused to the land and improvements thereon: *Provided*, That all property rights, easements, and benefits authorized by this section to be retained by or reserved to owners of lands conveyed to the United States shall be subject to the tax laws of the States where such lands are located.

It seems desirable at this point to call specific attention to the fact that exchanges under this law must all be made open and above board. The law requires that a notice of the contemplated exchange, reciting the lands involved, shall be published once each week for four successive weeks in some newspaper of general circulation in the county or counties in which may be situated the lands to be accepted, and in some newspaper within the county in which are situated the lands and timber to be given in exchange. Final approval of the exchange is not given or title finally accepted until after the completion of such publication and an opportunity has been given to anyone who desires to be heard in opposition to or criticism of the proposal. Furthermore, under the procedure of the Forest Service it is impossible for any forest officer to in any way commit the Government to an exchange in advance of approval by the Secretary of Agriculture and final approval and acceptance by the Secretary of the Interior. All that any Government officer, short of the Secretary of the Interior, can do is to recommend.

The procedure of the Forest Service requires that the owner of land desiring the exchange must file a formal written application, giving the legal description of the lands offered, and stating specifically what he asks for them. If his proposal is a trade of land for land, he must specify definitely the land that is being offered and with equal definiteness the land desired. If his proposal is a trade of lands for timber, he should similarly describe his lands and state in dollars and cents the lowest valuation in timber which he will accept in exchange.

In the majority of cases, in the opinion of the Forest Service, the owner asks too much. Sometimes he has an exaggerated idea of the value of his property, and always, of

course, he wants to get as much as he can and is afraid he may not ask enough at first. In such cases the supervisor, from his general knowledge of the land market in that locality, is able to decide immediately that the offer does not meet the equal-value requirements of the law and can not be approved, in which event he advises the proponent that his application can not be considered on the terms proposed. This usually results just as it would result between two owners of land in an ordinary commercial transaction—that is—there are negotiations back and forth, the proponent comes into the office of the supervisor and they talk it over. If the proponent lowers his price to where the supervisor believes that it is probable an exchange can be consummated on a basis that will be in the public interest, the latter will agree to have the lands in question carefully examined and appraised in order that he may give the application thorough consideration.

These field examinations and appraisals are made by trained forest officers and must conform to a standard of form and practice prescribed generally by the service. Furthermore, these reports are confidential; they are prepared at Government expense in order that its officers may have dependable information regarding the properties under consideration. We can not expect the proponent to give the Government the benefit of any special information which he may have. Obviously, he should know more about his own land and its values and desirabilities than the forest officer is likely to acquire by an ordered examination. If he desires information regarding the Government's land, the way is open for him to make his own examination. Often he has fully informed himself before he made his offer of trade. In any event, the Forest Service can not afford to allow itself to be placed in a position where, after the consummation of an exchange, the new owner might come in and claim that he had been deceived by forest officers as to the amount, character, or value of the timber on Government land.

The Forest Service insists, therefore, upon following the age-old commercial rule of "saveat emptor" and refuses to sit on both sides of the table in these trades. It assumes that the private owner is able to look after his own interests and expects him to do so. It expects also that its officers will devote their time and talents primarily to looking after the interests of their employer; that is, the Government. It does, however, render every assistance practicable to small owners in the preparation and drafting of papers with a view to helping him keep as low as possible the expenses to which he may be put in connection with the exchange procedure. Where only 160 acres or less is involved this may be quite a burden to a poor man.

If the results of the field examination, as incorporated in the reports, do not show that the offered land is at least equal in value to the Government property applied for, the application must of necessity be disapproved. Similarly, if the report for any other reason indicates that the exchange proposed would not be in the public interest, the supervisor writes the proponent rejecting the offer. This may result in a new offer on a new basis. If the proponent finally offers a desirable trade the supervisor forwards the entire record, with favorable recommendations, to the office of the regional forester.

Here it is carefully examined and checked to see if consistent with other cases of similar character. The regional forester will never reject a case because he believes the Government is getting too much for what it gives, because he does not consider that within the range of possibilities. He has been taught to believe, and the supervisor has been taught to believe, that the owner of lands is fully able to protect his own interests in a trade, and that the owner will not trade with the Government unless satisfied that the property which he is able to secure is more desirable to him than the property which he transfers to the Government. Ranger, supervisor, and regional forester are all under instructions to advise the private owner that the forest officers can not sit on both sides of the table in a transaction of this kind, but that the owner must act for



himself, act according to his own judgment, and rely only upon himself to protect his interests. They are taught to assure the private owner that the Government will give him what it agrees to give, but is no guarantor against loss; that it is the duty of the forest officer to see that the Government gets value at least equal to that which he gives, but the owner must rely upon his own judgment as to whether or not he is to receive value satisfactory to him for that which he proposes to give. After the exchange is finally in shape so that the regional forester believes it to be fully in the public interest, it is then transmitted to the forester in Washington, where it is carefully scrutinized and compared with other exchanges in that same general region, or exchanges of similar land in other regions. If for any reason there is doubt of the equity of values or doubt of the exchange being in the public interest, approval is withheld and the case is returned to the regional forester until such doubts are removed.

Land exchanges are not made by the Forest Service overnight. Just as in the commercial world, the consummation of an exchange is usually the result of study and negotiations, perhaps carried on intermittently over a period of from one to five years, but usually moving rapidly when a final understanding is reached. Under the procedure established by the Forest Service both the private owner and the Government are free to withdraw from the deal at any time prior to the final approval and acceptance of title by the Secretary of the Interior and the delivery of either the timber or the patent to the land given in exchange. If during the course of negotiations there is a change of conditions which leads the owner to believe that he can get more for his land from some one else, he is perfectly free to withdraw without prejudice, penalty, or apology any time prior to the receipt of the consideration. Upon the other hand, the Government is equally free to reject the offer at the eleventh hour should it appear for any reason that the exchange is not in the public interest or that equal values are not being received by the Government.

In administering the general exchange law the Forest Service has in view certain definite purposes. These are:

First. To increase the power of the forests to carry out the purposes for which national forests are authorized under the act of June 4, 1897; that is, to improve the forest, to regulate stream flow, and to furnish supplies of timber for the use and necessities of the people of the United States.

Second. To simplify the administration of the forests, improve their protection plans, and reduce their annual costs.

Third. To bring about a more rational distribution of land between public and private ownership.

Fourth. To increase the ultimate value and usefulness of the national forests as public properties.

The foregoing objectives will be promoted by the many different classes of exchanges. To understand the situation it must be kept in mind that the 186,215,256 acres of land embraced in the 150 different national forests scattered from Maine to California and from Alaska to Puerto Rico present an infinite variety of conditions. Within their boundaries are approximately 25,000,000 acres of land belonging to individuals, corporations, States, and counties. The general exchange act is so worded as to empower the departments to deal with anyone, whether an individual owning a lone 40 acres or a State owning 100,000 acres.

The problem of protecting, improving, and developing these national forests is made more intricate by reason of the presence of these intermingled lands held by owners for an infinite variety of objects and purposes. The situation is still further complicated where considerable areas of timber-bearing lands in private ownership immediately adjoin the exterior boundaries of the national forests, unregulated operation on such lands being a constant menace to the adjoining forest properties of the Government.

One of the simplest forms of exchange, yet one very popular with the public, is the exchange of privately owned timberland for grazing lands within the national forest. Where timber is not immediately marketable and the owner faces the prospect of holding it for a number of years await-

ing a purchaser, such owner has on his hands a form of property poorly suited for the economic needs of an individual. Usually he must pay a fairly heavy annual tax, and usually he gets no return until he sells his timber. Under such conditions the ownership of forest lands is, temporarily at least, a liability to its proprietor. Upon the other hand, an equal sum invested in grazing land would be an asset. Instead of looking forward to a big harvest every 50 or 75 years, as in the case of timber, he can actually harvest his forage crop annually, either by grazing it with his own stock or leasing it to some other stockman.

Exchanges of national forest grazing land for privately owned timberland fall into a number of general classes. In some cases the exterior boundary of the forest follows in a general way the lower limits of the timber—northern exposures usually well wooded and southern exposures largely sagebrush and grass land, with the adjoining grazing lands below in private ownership. Not infrequently the adjoining owner is anxious to enlarge his holdings by taking in some portion of this national forest grazing land contiguous to his holdings. If he already holds a quarter section of timberland back in the better forested part of the mountains he may be very glad to make an exchange on the basis of equal area, although the Government gets much the greater value by the trade. (See Examples Nos. 1 and 2, supplement.) Or if he is not already the owner of timberland within the forest and prices for livestock are good, he may buy a tract of timberland from some other owner and trade that in. Sometimes the situation is exactly reversed, and the national forest grazing lands in Government ownership may adjoin private holdings at high elevations near the timber line. Again, the private owner trades timberland poorly suited for his purposes and secures in exchange grazing lands better adapted to his needs.

Then we have the case of the aggressive stockman who years ago made 40-acre scrip locations on a number of important springs and watering places, expecting to secure control of two or three townships of Government range. The creation of a national forest put an end to his range monopoly. The free range to which he is entitled under Forest Service regulations by reason of such land's ownership is limited to the reasonable carrying capacity of the land which he owns; consequently the scattered nature of his holdings instead of being advantageous are really inconvenient, since it would be impractical to put them under fence. With the Government in control of the public range the private owner now prefers to have his holdings in a solid block so that he could fence them and use them as he pleases and as best fits in with his particular plans. Under such circumstances the owner is very glad to secure from the Government an equal area of range of average value in return for his carefully selected key tracts. There have been a number of very interesting cases of this kind. (See Example No. 3, supplement.)

One numerous class of exchanges has to do with the adjustment of land lines and with the adjustment of the land holdings of the small settler in the narrow valleys with which many of the national forests are interspersed. Usually such holdings were acquired before the creation of the national forests, the filings being by 40-acre legal subdivisions. But the Lord did not run these valleys straight east and west or straight north and south; He did not make them exactly 80 rods wide, nor did He, in anticipation of the public land surveys, space them so that the margin of the legal subdivision would coincide with the margin of the usable valley lands. Not infrequently the land lines on a 160-acre entry, placed to best advantage with reference to proper surveys, fall half on the valley floor and half on the timbered slopes. The settler, however, is chiefly concerned in securing the level cultivable land, while his patent calls for certain legal subdivisions which are half and half. Under the forest exchange law, the situation is readily remedied by his offer to exchange his well-timbered slopes, which are of little value to him, in return for valley lands in Government ownership which are poorly suited for timber production and better suited for farming.



In every case the lands offered and the lands given in exchange are carefully examined and their commercial value appraised, and in no case is an exchange approved if the commercial values received by the Government do not equal or exceed those given in return.

From the debate recorded in the CONGRESSIONAL RECORD, the impression seems to prevail that this exchange work is always with large lumber companies. It is true that in the long run a greater acreage is acquired from lumber companies or timberland-holding corporations than from any other class of owners. This would naturally be the case in view of the fact that in its exchange law the Forest Service is primarily interested in securing the best timberlands, and, conversely, the lumber companies when they acquired their holdings had exactly the same objective in view and secured the choicest of our virgin forests. Nevertheless, the major part of the work under the land exchange law consists of dealings in small holdings with settlers living in or adjacent to the national forests and other owners of small tracts intermingled with the Government's properties.

It is difficult or impossible for one who has not been the supervisor of a national forest, or who has not been charged with the responsibilities of a district ranger, who handles on the ground on an average of 250,000 acres of Government land within which are intermingled many holdings of diverse ownership, to conceive of how the problem of administration is complicated by such holdings and how it is simplified by their removal. For example, if John Doe wishes to purchase a small amount of timber from lands on Squaw Creek, and the Government owns all the land on that creek, the problem is simple. But if he wishes to go up Rock Creek to cut his timber, and there are scattered private holdings on Rock Creek, the chances are 10 to 1 that the ranger must go with him and perhaps spend some time looking up survey corners and running land lines to see that his purchaser does not encroach upon some innocent settler. It costs money to run survey lines to accurately identify and locate on the ground a 40-acre tract near the middle of a section which has not been previously subdivided, and if, as is frequently the case, no section corners can be found and the section itself must be located by running a line from some other known corner, it may cost as much or more than the 40-acre tract is worth. This certainly holds true for the average run of either grazing land or cut-over land. Every individual tract of land acquired by the operation of the forest exchange law within the national forests constitutes the final and complete solution of an administrative problem. Not infrequently the values given in exchange will be more than offset by the savings of administrative costs by avoiding trouble and misunderstandings.

Some Members seem to have the impression that this exchange work consists largely of giving high-valued timberlands for low-valued cut-over lands. Where this is done the area of cut-over lands given by the owner is many times greater than the area of Government timberlands given in exchange. As a matter of fact, only a very small percentage of exchange cases are of this character. The policy of the Forest Service is based upon giving up as little good timberland as possible and acquiring as great an acreage as possible of good timber-producing lands. However, it takes two to make a bargain, and there still remain a few large timber owners in the West who cherish a prejudice against submission to the regulation of their timber-cutting operations under any circumstances or conditions. There have been a few cases of tracts of national forest timberland which were intermingled with holdings of a powerful operator whose traditions were those of hostility against being required to submit to regulations when cutting Government timber. There have been cases of this kind where if the timber from the intermingled Government holdings were not removed in connection with the removal of the privately owned timber, it would be left high and dry without means of transportation or liquidation for the next 30 or 40 years. I have in mind specifically an exchange with the Walker interests—the Red River Lumber Co., of California. In that case the company owned a considerable area of virgin timberland inter-

mingled with national forest timber which the Forest Service had under timber sale contract to the Fruit Growers' Supply Co., of California. In that case they were able to arrange an exchange upon an entirely equitable basis in which, in return for the timber on the Government holdings in the path of the Red River Lumber Co.'s logging operations, an equal value of virgin timberlands belonging to the Red River Lumber Co., intermingled with our Fruit Growers Supply Co. sale, was acquired. These lands are in turn being conservatively cut under Government direction and the product is being utilized by the Fruit Growers Supply Co.

This case was not a case of an exchange of virgin Government timberland for cut-over land, but of Government virgin timber for equally valuable virgin private timber, with the land (3,600 acres) thrown in. Cut-over land is usually of low value, excepting where a commercial market is established because of its grazing value, particularly valued for sheep range. As a matter of fact, when the sheep industry is prospering the Forest Service makes no attempt to compete with the sheepmen in the acquisition of cut-over timberlands within and adjoining national forests. It is a matter of historical interest that our earliest liberal forest exchange law, which authorized the department to acquire privately owned land within the forest by giving in exchange not to exceed an equal value of national forest land, or not to exceed an equal value of Government timber in or near the national forest, remained a dead letter for a number of years because of the high prices established for cut-over land by competing sheep outfits. I refer specifically to the act of September 8, 1916 (39 Stat. 852), authorizing the acquisition of land in the Whitman National Forest in Oregon. Following the passage of this law the owners of the cut-over land fixed the minimum price of \$5 per acre for their holdings, insisting that this was the price they were asking of sheep outfits, and that the value had been established in numerous instances by transfers at this rate. The Forest Service replied that there was no need for questioning the value of the land as fixed by them if the sheepmen were willing to pay such rates, but that this obviously represented its value as sheep range, and the Forest Service was not interested in acquiring additional sheep range, per se. What the Forest Service desired was to acquire lands that were valuable for the production of timber, and their lands did not have any such value as \$5 per acre for that purpose. Consequently, the Federal Government was not interested in acquiring their holdings, but saw no reason why they should not avail themselves of their opportunities to dispose of these holdings at the highest price to stock outfits. Incidentally, it was the prediction of the service that the land was not actually nearly as valuable as either they or the sheepmen seemed to believe, and that eventually it could be obtained for a much lower price. Also, that it made no difference to the Government whether it eventually acquired these lands from the present owner or from one of his successors in interest. After a number of years a small tract of particularly choice cut-over land, fully stocked with yellow pine reproduction 20 or 30 feet high, was acquired at \$3 an acre. Since then numerous other exchanges have been made in this region at \$2.25 to \$2.50, according to the value of soil and advanced growth. A somewhat similar case involved the Madera Sugar Pine Co., of California, from whom the Federal Government finally acquired 22,933 acres of cut-over land at a top price of \$3.25 per acre. A price of \$8 was originally demanded for this land and the officers of the company broke negotiations in angry disgust because the Forest Service expressed an unwillingness to pay even half that much. The lands were finally acquired on the basis of \$3.25 per acre, after the Madera Sugar Pine Co. paid taxes and other carrying charges on it for an additional five years.

Judging from the debates in the CONGRESSIONAL RECORD, some Members appear to have the idea that the lands acquired are treeless lands, which must be planted before they can be made productive. As a generality, nothing could be much farther from the truth. Where any large bodies of cut-over land are offered us for exchange it has been the custom to establish for the region certain maximum prices



for lands of different grade and character. Usually the top price for the highest grade of cut-over land is fixed at \$2.50 per acre, which means timber-producing land of first-quality site, adequately stocked to produce a wholly satisfactory yield at maturity. The price runs from this down to 50 cents an acre for lands which must be planted, and perhaps 10 cents an acre for barren lands. At first thought it may seem strange that the Government would be willing to give anything whatever for barren lands. Upon the other hand, it must be realized that the presence of an adverse ownership always involves the possibility of administrative difficulties. Some private activities on a few acres of barren land or worthless brush land might result in a fire hazard causing the Government ten times as much to control as it would have cost to secure title to the lands in the first place. Under a schedule of rates beginning with the top price of \$2.50 an acre and running down to 25 or 50 cents an acre, cut-over land, if not too badly neglected and abused, will appraise out in the different classes at a valuation somewhere in the neighborhood of an average of \$1.50 per acre. These valuations, however, hold up only where the land has a commercial value on account of grazing or recreational possibilities, including hunting and fishing. Where a crop of timber is the only prospective return from the land the values allowed in exchange range from a top value of \$1.25 per acre down to 25 cents per acre. Such factors as location, topography, accessibility, site quality, and so forth, all affect the desirability of the land from a timber-growing standpoint and are taken into consideration in every case.

Some of the cut-over lands acquired by the Forest Service in these exchanges contain such substantial stands of timber that the novice might well mistake them for virgin stands were it not for the telltale evidence of stumps scattered here and there through the woods. Land cut over 25 or 30 years ago in our western forests under the standards of utilization which then prevailed and the method of horse logging frequently have a volume running from twelve to fifteen thousand feet board measure per acre. Such lands were cut over in the day when the logger took only the choicest trees of yellow pine, and from them took only the first one or two lower cuts. The total volume of such lands to-day is almost equal to that of the virgin stand. However, it must be realized that this volume consists largely of the so-called inferior species, which under present market conditions have little, if any, merchantable value. Usually, however, such stands are in a thrifty condition and are growing rapidly. Their volume promises to contribute substantially toward meeting our national needs for wood of some sort in the future day of silvicultural reckoning.

Anyone who has a preconceived impression that the typical forest supervisor sits in his office waiting for landowners to come in and submit applications for land exchanges, just as the employee of the Post Office Department sits at a window selling postage stamps to all comers, has a totally erroneous conception of the purposes of the Forest Service in securing legislation of this kind and the objectives of its officers in making use of that authority. Every live forest officer is constantly at work bettering his plans for forest management. Each individual drainage unit is in itself a distinct problem—its total volume of merchantable timber, class and value of products, the condition of the stand as to whether cutting operations should be encouraged or postponed, the possibilities of transportation, the control of routes of transportation, the logical location for logging camps, banking grounds, sawmill sites, mill yards, and the like. The forehanded supervisor is quietly acquiring by exchange the private holdings which in the event of a sale might hamper or even block a desirable operation. The supervisor, furthermore, has planned for years ahead the construction of different transportation routes from his forest-development road fund. If, according to his plans, a road will be constructed up Grouse Creek next year at a cost of \$25,000 by the Federal Government, where there has been only a trail heretofore, what more natural than that

the forest supervisor will endeavor this year to acquire for the Government by means of exchange procedure timberlands that next year will be made more accessible and more valuable by Government appropriation. Merchantable saw timber that can be acquired readily at 50 cents a thousand because 10 miles from the nearest highway may sell readily at \$3 a thousand when a highway has been built two or three years later.

Every foresighted forest supervisor is on the job to increase the timber-producing power of his forest so that it will grow more timber every year, and so that it will contribute in the greatest possible degree toward the supply of timber for the use and necessities of the people of the United States in the day of future trials as to our Nation's silvicultural self-sufficiency. We all understand to-day and for generations past that we have depended largely upon supplies of timber that were grown by nature during preceding generations without any help from man. We all now realize that these supplies are not inexhaustible, but that some day not far distant our consumption of timber must be limited to the amount of wood which we grow. Probably the most critical period will be as our virgin stands approach exhaustion. Since this will probably be several decades before most of our young growth reaches usable size, the wise supervisor, realizing that there is already in sight an overabundance of merchantable timber to meet our needs for the next 30 years, and realizing that the pinch will not come before that time, is not particularly interested in acquiring stands of timber that have already reached maturity and within which increases by growth and losses from windfall and decay will about offset each other for the next 30 years. Instead of acquiring values of that type, where the volume will remain constant, he prefers to acquire a much greater area and volume of young second growth which has not yet reached the merchantable stage.

I have in mind particularly the Siuslaw National Forest, where for the past 8 or 10 years the forest supervisor has been steadily picking up choice areas of second-growth Douglas fir—40 acres here, 80 acres there, 160 acres elsewhere, with an occasional half section. In all, 94 tracts have been acquired, totaling 16,567 acres, or an average of 176 acres. The largest acreage acquired from any one owner was 1,380 acres. The next largest was 640 acres. All the others were less than one section. With the exception of first-quality redwood lands in northwestern California, these are probably the best timber-producing lands west of the Mississippi. The growth generally is about 60 years old, following tremendous fires which raged through that region in the late fifties or early sixties of the last century. The stands are dense and run in diameter up to 30 inches. A very large part of the volume is in trees which have a diameter from 20 to 30 inches. In our cruises for land exchange we do not consider trees under 16 inches d. b. h. as merchantable, nor is their volume included in the appraisal. Actually the volume of material on some of the lands which are being acquired will run as high as 55,000 feet b. m. per acre. These lands are being acquired at a valuation of \$6 to \$7.50 per acre, the latter price being granted for the choicest and more accessible tracts. Lands of this kind where the trees are reaching merchantability will in that region increase their merchantable volume quite generally at the rate of 1,100 board feet per annum. At that rate a quarter section of second-growth land, averaging 25,000 board feet per acre, or a total of 4,000,000 feet, would, in 30 years from now, when the quarter section is ripe for cutting and when doubtless the Nation will seriously need the product, have a merchantable stand of about 9,000,000 feet.

What does the Federal Government have to give for such land at the present time? Most of it has been acquired by giving in exchange timber cut from stands which are no longer increasing in volume or value. The average valuation placed upon such timber has been about \$2.50 per thousand. In other words, 3,000 feet of timber was the purchase price of one acre of the best timber-growing land



in America, having on it a growing stand of from twenty-five to thirty thousand feet. The increased volume of that acre will in three years amount to more than the volume of merchantable timber which was given to pay for it.

A trade of this kind is analogous to the case of a man who, instead of hoarding gold in a box in the safety-deposit vault, takes that gold and invests it in an equal value of Government bonds, redeemable at the end of 30 years. In each case, had the owner of the mature timber and the owner of the gold retained his original property, he would at the end of 30 years, if he had good luck in avoiding fire and robbery, still have in the one case the original volume of timber and in the other the original volume of gold. On the other hand, with reasonably good fortune, at the end of 30 years, at 4 per cent interest, without being compounded, each \$1 in gold would have become \$2.20, and at the prevailing rate of increase of such timber stands on the Siuslaw, each 1,000 feet of standing timber would have grown to about 2,250 feet by that time. Attention is called to the fact that \$7.50 per acre, which is the top price for young stands averaging about 25,000 feet board measure per acre, means only 30 cents per thousand feet of timber with the land thrown in.

The total of 16,567 acres of such second-growth land acquired by the 94 exchanges of the Siuslaw National Forest were secured in exchange for about 50,000,000 feet of merchantable saw timber, marked by forest officers and taken from mature stands under Forest Service regulations. The volume of young-growth timber which the Government acquired on this 16,567 acres amounts in round numbers to about 400,000,000 feet, and 30 years from now, as they approach commercial maturity, this volume should have increased to approximately 1,000,000,000 feet, or a volume considerably in excess of the total amount of timber given by the Government thus far in all the exchanges of timber for land made by the Forest Service under the provisions of the general exchange act up to December 31, 1931, which at that time amounted to 858,268,000 feet board measure. Of course, there are always chances for many a slip between the cup and the lip, and the volume finally harvested may fall short of anticipations. Upon the other hand, there still must be taken into consideration on the credit side of the ledger in favor of the Government simplification in protection and administration resulting from clearing up these 94 tracts of adverse ownership, and in addition their special value for right-of-way purposes and as key sites in future lumbering operations.

The foregoing account of the land exchange activities on the Siuslaw is the most outstanding example of a situation that is quite general; that is, the acquisition of stands of timber which are approaching commercial size but are not yet ready for lumbering operations. Usually these are of little value to the present owner. John Doe knows very well that his quarter section of second-growth timberland will probably be worth a lot of money 30 years from now. At the same time, a thousand dollars in cash to help send his boy through college now means more to him than an additional \$50,000 to his estate 30 years from now, when John Doe is in his grave and his son's career is drawing to a close.

The exchanges made with the Anaconda Copper Mining Co. in Montana are of unusual interest from a public standpoint. A considerable area of national forest lands lie within the zone of damage alleged to be caused by poisonous fumes from the large copper smelter at Anaconda, Mont.

By agreement with this company, which is the largest owner of commercial saw timber in Montana, it is acquiring the national forest lands within the zone of smelter smoke around Anaconda by giving in exchange an equal value of land outside the zone of danger. In this case the Forest Service insists upon the company giving in exchange lands fully equal in value to what the value of the Government's lands would be in an undamaged condition. Although the company is unwilling to admit that much, if any, damage has been caused to the Government timber by the fumes from the Washoe smelter, Government appraisals have stood,

since they refuse to accept anything less in exchange. Five separate exchanges have been made, whereby the Government has given up a total of 83,850 acres within the Anaconda smoke zone, lands upon which 25 to 60 per cent of the trees of commercial species are dead or dying, and on which each year the number of permanently damaged or dying trees is steadily increasing, and has secured in return a total of 93,012 acres of excellent forest land in or adjoining the national forests in the western part of the State. Some of the land thus secured is cut-over land, it is true, but an even larger proportion of the land given by the Government in exchange had been stripped of every stick even fit for fuel wood before the creation of the national forest, whereas the cut-over lands obtained from the company are, in the main, well stocked with young yellow pine trees. In addition, some virgin timberlands are being obtained from the company in return for virgin timberlands given by the Government, with this difference, that the virgin timber obtained from the company is living, while that given in exchange is within the zone of permanent damage from smelter fumes. Foresters will also readily appreciate the desirability of these exchanges from the Government's standpoint when it is explained that the Government gives up lands in the lodgepole pine belt and secures land in the ponderosa or yellow-pine belt.

In this way the Government and the company are gradually removing, by settlement satisfactory to both, the grounds which existed for long and expensive litigation by a method which was submitted to the Department of Justice and met with hearty approval. Each exchange is being worked out as a separate and complete transaction, having no commitments to future or additional trades. It will take some years longer to dispose of all the lands in the zone of smoke damage to the company in return for commercial timberlands of the company. When this is done it is expected that the Government will have no grounds for action for damages to its timber or land by smelter fumes, since it will have been compensated for its land and timber at a value based upon both land and timber being in an undamaged condition. And both the Government and the company thereafter will have the satisfaction of knowing that if this property is further damaged by smelter fumes hereafter the outfit that causes the damage is the same outfit that suffers from it.

Should it prove impractical for any reason to dispose of all the damaged areas in this way, and should litigation finally be necessary, the aggregate values in controversy will have been greatly reduced by the exchanges already made.

In my opinion, what has already been done in this one case in the way of constructive action beneficial to the general public on the one hand and desirable industry on the other is alone sufficient justification for our exchange authority if we had nothing else to show for it.

It is interesting to note that this case involves the transfer to a mining company of a large area of mountain land in a highly mineralized region. Realizing the possibility that such lands might involve untold mineral wealth, the Forest Service insisted upon the Government retaining title to all minerals therein, with the right of citizens to prospect. In this way the opportunities for prospectors are preserved in the estate. Similarly, the mining company has been accorded the privilege of reserving the mineral in all the lands conveyed to the Government, provided it desires to do so.

It so happens that both the lands given up and those acquired by the Government in this case lie within the primary limits of the Northern Pacific land grant where usually every odd-numbered section became railroad property. The lands near Anaconda which the Government gives up are, generally speaking, even-numbered sections, with adjoining odd sections already owned by the mining company, mostly acquired from the Northern Pacific at about the same time that the exchanges were completed. The lands in western Montana which the mining company deeds to the Government are chiefly odd-numbered sections, with the even sections often already in Government ownership. In this way



both lands are quickly blocked up as to ownership. Already this process by this one exchange has enabled the service to do away with one year-long ranger district.

As a matter of detail, it is of interest to note that in the five exchanges made with the Anaconda Co. the acreages given by the Government and obtained from the company in each case run as follows:

Given by Government: 21,953 acres, 11,306 acres, 7,105 acres, 26,632 acres, 16,884 acres. Total, 83,880 acres.

Received by Government: 22,711 acres, 9,067 acres, 10,158 acres, 28,940 acres, 24,134 acres. Total, 95,010 acres.

It is anticipated that the total area on each side of the exchange will ultimately approximate 150,000 to 175,000 acres, provided the Government finally relinquishes all its holdings in the zone of smoke damage in return for lands in or near the national forests located beyond the reach of smelter fumes.

No exchanges have been made with the Northern Pacific Railway Co., although that company still holds title to probably 2,000,000 acres or more land within national forests. This is for the reason that the Forest Service has for years contended that the railroad company has received more land from the Government than it was entitled to and believes that the litigation authorized by Congress and now pending in the United States courts may result in the Government recapturing much of this alleged excess; also Congress has prohibited the Department of the Interior from patenting additional lands to the railroad until pending litigation has disposed of this controversy.

Nor have any exchanges of consequence been made with other owners of large railway grants, excepting with the land company of the Southern Pacific, with which two exchanges have been made, one of a very minor nature involving only 27.50 acres of national-forest land. The more important exchange made with this company was for the purpose of consolidating under Southern Pacific ownership a block of land which the State of California desired to obtain from it as a State park, the company being willing to accept therefor a nominal consideration. The lands on both sides of the exchange were desert mountain lands of identical character, having some scenic values but otherwise not of economic importance. In this trade the Government obtained 9,792.92 acres from the company and gave in exchange therefor 6,234.11 acres of national-forest lands of similar character.

There need be no fear that the exchange activities of the Forest Service will in any measure deplete the Nation's reserve of standing timber in public ownership. The table given shows the results of the land-exchange work of the Forest Service up to January 1, 1932. It will be seen from this table that the Government had acquired by exchange up to that date a total of 1,206,100 acres, valued at \$4,773,519, or an average of \$3.96 an acre, in return for 390,415 acres of land valued at \$1,795,099, and 858,268 M feet b. m. of timber valued at \$2,377,820.

The single item of 390,415 acres of Government land given in this exchange work does not appear so formidable when it is understood that a considerable portion of this acreage is made up of scattered areas of unreserved public-domain lands so low in value that no one would take them as a gift. The largest item is 135,113 acres in the State of Michigan. Of this total acreage 134,473 acres were not classed as forest land, but were scattered tracts of public-domain land in the State of Michigan, so low in value that no one would take them under the public-land laws. Inside the boundaries of our Michigan National Forest the State owned a much larger area of much better lands, acquired through tax delinquency. Under the authority of a special act of Congress the State's lands inside the national forest were conveyed to the Federal Government in exchange for an equal area taken from the scattered remnants of public domain, the State taking a chance on being able to at some time in some way utilize these scattered remnants.

In the State of Montana 76,996 acres of the land given in exchange was national forest land within the zone of smelter-fume damage. In their present condition these lands were largely unproductive, and without this method of exchange promised to return to the Government only

the dubious results of expensive lawsuits. From a timber-producing standpoint the national forest lost nothing by transferring them to private ownership. Upon the other hand, the somewhat larger area acquired in exchange for them were in the main timber-producing lands of the very best quality in the western part of the State.

In considering our land-exchange work as a possible drain upon the national forests, and in connection with the figures given in the table shown on page 17, one must keep in mind that included in the lands given by the Government is a total of 13,469 acres of public-domain lands which passed to private parties by special acts of Congress, enumerated at the foot of the photostat list of exchange laws hereto attached. For these lands, which were of such low value as to attract no takers under the public land laws, the service received in exchange 11,474 acres of privately owned land inside the national forests, all desirable for national-forest purposes.

The 8,959 acres of national forest lands granted in the single exchange in Nebraska was treeless sand plains land given to the State in exchange for 8,960 acres of exactly similar land embraced in State school sections scattered through the forest. Since this still left a greater area in the forest than can possibly be successfully planted for many years to come, this reduction in gross area was immaterial, while the resulting consolidation of the Government's holdings and State's holdings was materially advantageous.

We may, therefore, list the following large exchanges as having been made practically without cost to the national forests:

	Lands secured by United States	Lands given by United States	Remarks
Michigan.....	137,400	134,473	Land taken from public domain.
Anaconda smoke exchange.....	95,010	76,996	Land from "smoke zone."
Oregon Land Co.....	25,988	25,988	Low-value land wanted for irrigation project which failed.
Southern Pacific.....	9,792	6,234	Desert mountains of scenic value only.
Nebraska.....	8,960	8,959	Grassy sand hills only.
Special acts, 11 exchanges.....	11,747	13,469	Acres of public domain only.
Total.....	285,897	266,062	

It will be seen that of the total of 266,062 acres of Government land involved in the table above a total of 147,942 acres was public-domain lands which the Government had never before been able to dispose of to anyone and the balance of 118,120 acres was comparatively inaccessible desert, scenic desert, or "smoke zone" acreage. In addition, many other small areas of similarly undesirable lands are included in the gross of 390,415 acres reported in the table on page 17 as having been granted by exchange.

In return for this 266,062 acres of comparatively worthless land the Government received 285,970 acres. Of this total the 95,010 acres received from the Anaconda Co. was good, thrifty timberland. The 134,400 acres received from Michigan is all inside our national-forest boundaries, was once heavily timbered, and can be cheaply and successfully planted. The 11,747 acres secured by the special acts are fair lands located inside national-forest boundaries, and their ownership by the Government will simplify administration. About the only advantage attaching to the Oregon Land Co., Southern Pacific, and Nebraska exchanges is the advantage resulting from consolidation. If we deduct from the total of 390,415 the 266,062 acres of public domain and other comparatively valueless land, we have a balance of 124,353 acres of selected land having some value for national-forest purposes given in exchange.

According to the table on page 17, we find the Government has acquired by land exchanges a total of 1,205,100 acres of land. We have just shown that a total of 285,897 acres was largely rather low-priced land, although 241,157 acres have splendid forestry potentialities. This 285,897 acres was secured in exchange for a total of 266,062 acres



of land that was useless to the Government. If we deduct from our total 1,205,100 acres of land acquired, this total of 285,897 acres acquired in exchange for comparatively worthless land, we have left a balance of 919,203 acres acquired by the Government in exchange for 390,415—266,062 acres, or 124,413 acres of land and 858,263 M feet. I wish our records were in such shape that I could tell you exactly how many acres the Government secured for this 124,413 acres of land separate from the land secured in exchange for timber, but this would necessitate going over the entire list case by case. However, we may approach it by saying that the 124,413 acres of land given by the Government is more than offset by the value of the same area of land in our most favorable exchanges. In fact, it is probably substantially offset by the 16,567 acres of land which the service has acquired in the Siuslaw National Forest.

If we deduct 124,413 acres on account of land from the total acreage of 919,213 referred to above, we then have a balance of 794,790 acres acquired in exchange for timber totaling 858,268 M feet b. m., or an average of 1 acre of land for about 1,080 feet.

We had in the national forests on June 30, 1932, a total of 24,854,565 acres of alienated lands. If the service could continue to acquire lands in the indefinite future at the same rate of 1 acre for 1,080 feet of timber, it would require a total of 26,843,030,200 feet b. m. of timber to pay the bill. Furthermore, assuming our exchange work is consummated upon that basis, it would not follow therefrom that we would have 24,000,000 acres more land and 26,000,000,000 feet less timber than we had before the exchange work started. Not at all. It is true, we would have passed to private ownership a total of 26,843,030,200 feet of timber, but, upon the other hand, based again on the results in past exchange work, we would have acquired with our 24,504,565 acres of land a still greater volume of timber. Not necessarily greater values, but greater volume. We know well that the lands which we acquired in exchange for timber up to December 31, 1931, although many of them were cut over and culled, nevertheless contained a considerably greater volume of sound living timber than we gave in exchange therefor. Most of this timber was relatively inaccessible at the time the exchange was made, but much of it will ultimately, as a result of the construction of new routes of transportation, be as accessible as the timber given up.

But supposing we take no account of the volume of timber we acquire with the land, how much of a drain would it be upon our stumpage resources to acquire all the lands inside our national forests? A conservative estimate of the amount of timber which our 160,000,000 acres in national forests can grow every year places the volume at 7,000,000,000 feet. In other words, the annual growth for a period of less than four years would more than pay the bill, at the rate which has thus far prevailed.

But the Forest Service will never wish to acquire the entire 24,000,000 acres of alienated land within the forests. Probably the maximum amount it will ever be possible to acquire of the land desirable for national forest purposes would be somewhere in the neighborhood of twelve to fifteen million acres. The service will not wish to acquire lands chiefly valuable for agriculture or lands valuable for mineral and needed for mining purposes. Also, there will be innumerable tracts valuable for commercial purposes, which the owners would not part title with under reasonable terms. On the other hand, there are many very desirable bodies of forest lands immediately adjoining our national-forest boundaries. Possibly these combined with the desirable areas inside the boundaries may in the long run equal the total area of alienated lands now inside the boundaries.

Our public reserves of timber of commercial size are therefore absolutely secure from the danger of being depleted, as a result of our exchange work. In the first place, we secure by exchange not only a greater area than we give but we also secure more timber than we give. In the second place, even if we did not secure any timber in exchange, our annual net growth of timber amounts to a volume eight times greater than we have thus far given in all our exchange work. It would be impossible for us to handle in

one year a volume of exchange work which would require in payment a volume of timber equivalent to a year's net national-forest growth.

I have referred to the fact that each exchange is carefully scrutinized in the Washington office. This scrutiny is not a perfunctory performance of a routine act by a desk man. As a matter of fact, every exchange that goes to the forester for approval while I am in Washington is carefully checked by Mr. Sherman personally, also by Mr. Kneipp, Mr. Carter, and Mr. Rachford. Each has been 20 years or more in the service. E. A. Sherman is in his twenty-ninth year; Kneipp has served even longer. They have made more or less extensive field trips in and around every one of the 150 national forests from Alaska to Puerto Rico. It is seldom that an exchange case appears that the forester or one of this four do not have more or less intimate knowledge concerning it. No case receives their O. K. unless the record clearly shows that the exchange as proposed is in the public interest, and that the values being received by the Government are fully equal to those that are being granted.

At the time the Public Lands Committee of the House was considering the general exchange bill the Forest Service pledged the good faith of the service that if given this authority it would handle our resources just as carefully and treat them just as sacredly as though it involved money taken from the Public Treasury. It is faithfully keeping good the promise made at that time. Some day we may get the worst of an exchange; possibly we have done so already, but if so it will be in spite of the utmost human vigilance. Furthermore, any possible disadvantage resulting in the most unfavorable cases will be many times offset by advantages gained in more favorable cases.

I am attaching hereto a supplementary statement dealing with a number of individual exchanges which have been consummated in the different national forests. A careful study of these will, I believe, give you a better idea of what is being accomplished under the operation of the general exchange law than you could get in any other way.

The following examples, furnished me by Associate Forester E. A. Sherman, show specific cases of land exchanges made in different national forests. They give some idea of the great variety of classes of cases encountered. Their reading will, I believe, give one a very good idea of how the Forest Service is actually fulfilling its stewardship in handling the Nation's great public forests:

1. Theodore Erickson, Custer National Forest, owned 640 acres of forest land of very substantial timber value in the forest. Merchantable ponderosa pine estimated at 590,000 feet board measure covered 150 acres, and 300 acres supported an excellent stand of ponderosa new growth ranging up to lodgepole size. The entire section was of moderate value for grazing. Mr. Erickson offered the whole section in exchange for 285 acres of nonforest lands near his ranch holdings. About 170 acres of this had some value for agriculture, while the balance was only fair quality grazing land. Commercially, the offered section was of much greater value than the selected 285 acres, but Mr. Erickson is a farmer and not a lumberman. He wanted land which he was fitted to use profitably and which he could greatly enhance by his own labor.

2. C. O. Butts, Custer National Forest: This exchange was very similar to the Erickson case. In this case the Government acquired 629 acres of land, 210 acres carrying 900,000 feet of merchantable ponderosa pine and 290 acres well stocked with second growth, the entire area also having appreciable value for grazing, and gave to Mr. Butts in exchange therefor a total of 400 acres, 120 acres of mountain forest land having some little value for agriculture and 272 acres of fair quality grazing land, of which 30 per cent is open grass land and the balance sparsely wooded. The 400 acres acquired by Mr. Butts adjoin his ranch holdings and is worth much more to him than the 629 acres which he gave up, although it had considerably greater commercial value. Mr. Butts could develop and capitalize the agricultural potentialities of the 400 acres which he acquired, but was not equipped to handle profitably the saw timber and timberland which he gave in exchange for it.

3. Levi Howes, Custer National Forest: Many years ago Mr. Howes acquired, through scrip selection, seven forties within the Ashland division of the Custer National Forest. All but one of these tracts are key areas in national forest administration. Four of them contain year-long water that serves stock grazed on 9,500 acres of national-forest range. Two additional forties contain sites suitable for range-water development. The entire seven forties, all of which are of average-quality grazing land, were acquired in exchange for equal area of open grassland adjacent to Mr. Howes's main ranch holdings and integrating with them. The selected land is of average grazing value. A portion of it has some value for hay production under dry-land methods.



4. George W. Avery, Blackfeet National Forest: This is another instance of an exchange with a small owner in which the Government, in return for national-forest stumpage valued at \$240, acquired 160 acres of land carrying 1,300 M feet b. m. of saw timber. The total volume of forest timber ceded in the trade amounted to 160 M feet b. m.

5. Kate Smithers, Blackfeet National Forest: This is an excellent example of the class of exchanges with small owners. The offered tract of 160 acres is entirely covered with marketable-sized timber having a total volume of 1,747 feet b. m., mostly of good quality. The land evidently had passed to private ownership many years ago under the timber and stone law. Title was revested in the Government in exchange for 42 M feet b. m. of forest stumpage which, on the basis of its sale value, meant that the Government acquired 4 acres of land plus 41,000 feet of timber for each 1,000 feet of timber granted to the exchanger.

6. First National Bank, Kootenai National Forest: The offered land in this case, practically all of which is second-growth land, lies either along or close to the main highway in the Kootenai River Valley. It is of optimum site quality for the production of saw timber. All except 200 acres is in the ponderosa-pine type. The forest-cover conditions are about as follows: Five hundred acres have been burned but still support sufficient advance growth to establish naturally a satisfactory forest cover; 850 acres carry well-stocked stands of vigorous new growth up to 40 feet in height; 370 acres support a satisfactory stand of trees up to 8 inches in diameter and, in addition, a covering of larger trees up to 18 inches in diameter that will be ready for cutting in about 30 years. It is conservatively estimated that the marketable saw timber at that time on these 370 acres alone will aggregate about twice the volume and value of the Government timber that was passed to private ownership in acquiring the entire 1,720 acres.

7. Clearwater Timber Co. No. 1, Clearwater National Forest: A total of 6,281 acres were acquired in this case, classified as follows: 170 acres supporting a total of 2,430 M feet b. m. of saw timber, 40 per cent white pine and cedar and the rest chiefly larch and Douglas fir; 648 acres of burned-over land upon which natural regeneration is slowly becoming reestablished; 5,464 acres of burned land that may necessitate artificial regeneration. The entire area is in the white-pine type. The company's holdings were acquired in exchange for 146 M feet b. m. of Government timber having a value of \$1,570, which represents a flat price of \$0.25 per acre.

8. Clearwater Timber Co. No. 2, Clearwater National Forest: This case is very similar to the No. 1 exchange. A total of 2,681 acres was acquired, of which all but 60 acres carrying saw timber and cedar poles has been burned over. New growth of white pine and associated species is coming in slowly and quite possibly artificial regeneration will not be necessary. The offered lands were acquired in return for national-forest stumpage in the amount of 65 M feet b. m., valued at \$670.

9. Winton Lumber Co., No. 2, Coeur d'Alene National Forest: In this instance the Government acquired a total area of 4,614 acres. Of this, 3,029 acres are classed as marketable-sized timberlands supporting a total of 23,475 M feet b. m. of saw timber, chiefly larch, Douglas fir, and white fir, and 1,585 acres carrying good stands of new growth varying from sapling to pole size. The entire offered area is chiefly in the white-pine type and is of average to superior site quality. In the case of the 3,029 acres carrying marketable-size timber, most of the merchantable white pine had been removed. The resultant logging slash was disposed of very satisfactorily. The offered holdings were conservatively appraised at \$10,500. However, the offered stumpage alone has a readily demonstrable investment value of about \$9,500. The Winton lands were acquired in return for 2,109 M feet b. m. of national-forest stumpage having a sale value of \$3,436.

10. Winton Lumber Co. No. 4, Coeur d'Alene National Forest: The acquired area in this case totals 2,851 acres. About 1,675 acres are heavily timbered, having a total volume of 35,020 M feet b. m., of which about 60 per cent is white pine. This timber forms part of a logging chance of 7,000 acres, of which all but the Winton lands were already in Government ownership. The offered timber is the choicest and most accessible in the chance, and because of its location pretty largely controlled the entire logging unit of about 115,000 M feet b. m. By the elimination of the Winton ownership through exchange, the Government not only is now in complete control of the unit but consequently should be able to dispose of the previously owned Government timber as well as that acquired from Winton at more advantageous terms. Competition for the purchase of the entire stand will be stimulated now that the uncertainty on the part of prospective operators of being able to purchase the entire timber stand has been removed. The Winton holdings were appraised at \$57,683 and were acquired in return for national-forest timber having a sale value of \$47,874.

11. Humbird Lumber Co., Kaniksu National Forest: In this case an area of 512 acres was acquired in return for 273 M feet b. m. of Government stumpage having a sale value of \$1,350. The tract is in the white-pine type. The majority of the white pine merchantable at that time and some of the cedar poles were removed many years ago. The tract still carries a total of 3,953 M feet b. m. of saw timber, chiefly larch and white fir, of good quality, and 1,550 cedar poles. The latter unquestionably have a positive investment value at the present time. The area is of superior-site quality, and is easily accessible. In addition to the saw timber and poles, the area supports a well-stocked stand of white pine new growth.

12. Clearwater Timber Co., St. Joe National Forest: In this instance the Government acquired a total of 7,344 acres of forest

land scattered throughout four townships of national-forest area. About 1,760 acres carry marketable-sized timber, having a total estimated volume of 14,689 M feet b. m., of which about 37 per cent is white pine. In return for its holdings, the company was granted a total of 430 M feet b. m. of national-forest stumpage having a sale value aggregating \$3,672.

13. C. L. Thompson, St. Joe National Forest: Thompson ceded to the Government 720 acres in this exchange. These lands are practically all in the white-pine type and are of superior-site quality. About 415 acres carry dense stands of second growth ranging up to small-pole size. In addition, the offered lands carry a total stand of 1,950 M feet b. m. of saw timber. The Thompson holdings were appraised at \$1,897 and were obtained in exchange for Government stumpage amounting to 97 M feet b. m., valued at \$1,060.

14. John B. White, St. Joe National Forest: In this case a total of 4,551 acres were acquired in a locality of better than average general accessibility. The entire area is of high timber producing power. About 300 acres carry marketable-sized timber stands totalling 3,250 M feet. Of the 4,174 acres of second-growth lands, 3,757 acres are in the white-pine type and 356 are ponderosa pine. The second growth averages about 30 years old and at maturity will produce stands of 25 to 40 M feet per acre. The White lands were acquired in return for 806 M feet of Government stumpage.

15. Palgrave Coates, St. Joe National Forest: In this case the Government acquired a tract of 149 acres supporting, in addition to a vigorous stand of new growth about 3 inches in diameter, a total of 2,210 M feet b. m. of saw timber, chiefly larch and Douglas fir. This timber is mostly in the 120-year age class, thrifty, and making excellent growth. The tract was acquired in return for 69 M feet b. m. of Government stumpage, or at the ratio of 2 acres plus 32,000 feet of marketable-sized stumpage for each 1,000 feet of timber passed to private ownership.

16. Eugene Best, St. Joe National Forest: The acquired area, all in the Palouse division, is 1,489 acres, of which 980 acres support stands of marketable-sized timber and 509 acres are covered with second growth. The total volume of saw timber is 14,122 M feet b. m., divided as follows: White pine, 1,399 M; yellow pine, 4,033; and mixed, chiefly larch and Douglas fir, 8,690 M. This stumpage has a present market value of at least \$6,750. The 509 acres of new-growth lands are comprised of 315 acres of white-pine type, 135 acres of ponderosa pine, and 59 acres of larch and Douglas fir. The young growth mostly is about 30 years old and is in excellent condition. The Best holdings were appraised at \$8,776 and were acquired in return for 1,236 M feet b. m. of national-forest stumpage having a sale value of \$7,250.

17. Mountain Holdings (Inc.), Roosevelt National Forest: In this exchange the Government acquired 160 acres of good timber-producing lands, containing 1,832 M board feet of timber, land and timber appraised at \$1,936, for 40 acres of nontimbered land, appraised at \$800, including several possible summer-home sites of ordinary quality. The applicant desired this land to block out its resort holdings. In addition to the 160 acres offered, the applicant gave the Government a much-needed road right of way over its other holdings in that locality.

18. George Robinson, Roosevelt National Forest: In this exchange the Government acquired 1,600 acres, 97 per cent of which is timber producing, containing 5,347 M board feet of merchantable timber, all appraised at \$10,084, for selected timber to the value of \$3,500.

19. Sternberger estate, Roosevelt National Forest: In this case the Government acquired 640 acres, 94 per cent merchantable timber, containing 8,314 M board feet of timber, appraised at \$8,015, for selected timber to the value of \$2,560.

20. Colomo Lumber Co., Routt National Forest: From this company the Government obtained 2,966 acres, practically all timber-producing lands of good quality and containing at present, in addition to a good stand of reproduction and young growth, 36,105 M board feet of merchantable timber, appraised at \$45,662, plus merchantable poles, \$2.50 per acre; total timber value, \$52,974. Total appraised value of land (at 57 cents per acre) and timber, \$54,642. Selected timber in the amount of 8,500 M board feet, valued at \$25,788, was given for this property.

21. H. H. Tompkins, San Isabel National Forest: In this exchange the Government acquired the merchantable timber on the offered lands at 80 cents a thousand, for both saw timber and mine props. A little later about a million board feet of saw timber and about three-quarters of a million linear feet of mine props were sold at \$1.75 per thousand board feet for saw timber and \$2.25 per thousand linear feet of mine props. Total receipts \$3,412. The value of the selected timber was \$3,500. There are 542 M board feet of saw timber and 426 M linear feet of mine props still remaining. So that for \$88 the Government has obtained this remaining timber, together with 640 acres of good timber-producing land now covered with an excellent stand of reproduction and young growth.

22. F. E. Collier, San Isabel National Forest: The Government acquired 480 acres of good timber-producing land containing 1,406 M board feet of merchantable timber, 18,000 railroad ties, and 486 M linear feet of mine props, in exchange for \$1,500 worth of national-forest timber. The timber on the offered land was appraised at 80 cents per M board feet, 73 cents per M linear feet, and 5 cents each for ties. Recently a sale was made of 693 M board feet and 232 M linear feet of this timber at \$2.75—a total of \$2,485.75. So that the Government is ahead \$985.75 in money, 480 acres of timber land well stocked with reproduction and young



growth, 18,000 railroad ties, 713 M board feet merchantable saw timber, and 264 M linear feet of mine props.

23. First National Bank of Walsenberg, San Isabel National Forest: In this exchange, completed in 1927, the Government acquired 160 acres, most of which is good timber-producing land, and about half of which was covered with merchantable timber—407 M board feet, 2,911 railroad ties, and 133 M linear feet of mine props—for national-forest timber valued at \$500. Recently a sale was made of 383 M board feet and 93 M linear feet at \$2.75 and \$2.50 per M, respectively—a total of \$1,285.75. The appraised value in the exchange was 45 cents per M board feet, 41 cents per M linear feet, and 5 cents per tie. The Government profits by \$785.75 in money, 160 acres of timber-producing land, mostly well stocked with reproduction and young growth, 84 M board feet saw timber, 2,911 railroad ties, and 40 M linear feet of mine props.

24. Standard Oil Co. of California, Tusayan National Forest: In this case, the Standard Oil Co. purchased 800 acres of privately owned cut-over ponderosa-pine lands in scattered tracts in the Tusayan National Forest, carrying seed trees and young growth, and conveyed this 800 acres to the United States in exchange for 1 acre of semidesert national forest land to be used for filling station and warehouse purposes in the outskirts of the city of Superior, on the Crook National Forest.

25. Las Trampas grant, Carson National Forest: This grant, located in northern New Mexico between the Carson and Santa Fe Forests, on the headwaters of the Rio Grande and partly in the woodland type, partly in virgin timber, with a merchantable stand of 55,000,000 feet, was purchased by the George E. Breece Lumber Co. and conveyed to the United States in exchange for approximately 30,000,000 feet of timber on the Cibola National Forest, the selected timber being cut under national-forest supervision in connection with the operator's mill at Albuquerque. The area of the tract is 21,151 acres.

26. Santa Barbara grant, Carson National Forest: The Santa Barbara grant, adjoining the Las Trampas grant, and containing 24,734 acres of high mountain country on the drainage of the Rio Pueblo and Rio Grande, had been cut over in connection with adjoining national forest land under a tie-timber operation and was conveyed to the United States in exchange for other timber on the Santa Fe and Cibola Forests at a value of \$55,000. This exchange had the support of the State Fish and Game Association and both Senators from New Mexico, and was made at a value considerably less than might have been secured for the area by the owners in recognition of desirability of this area being placed under national-forest supervision for general public benefit.

27. Magma Copper Co., Coconino National Forest: The Magma Copper Co., with mines near Superior, Ariz., occupying national-forest lands for smelter and other business purposes under permit, purchased 480 acres of timberland on the Coconino National Forest, carrying 4,500,000 feet of merchantable timber, and conveyed the same to the United States for 346 acres of land surrounding the tract in which their smelter and other improvements were located. In this case the Government acquired 480 acres of virgin timberland for 346 acres of cactus and coffee berry.

28. Babbitt Bros. Trading Co., Sitgreaves National Forest: In this case the Forest Service acquired 23,315 acres, partly in the woodland type and partly in merchantable timber, with an estimated stand of 44,347,000 feet of alternate sections on the Sitgreaves National Forest for timber cut under national-forest supervision amounting to 18,652,000 feet.

29. Aztec Land & Cattle Co., Sitgreaves National Forest: The Aztec Land & Cattle Co. is a land-holding company and controlled 84,525 acres on the Sitgreaves National Forest. This was old Santa Fe Pacific land grant and in alternate sections, so that the area consolidated was double that of the exchange. Most of this land was in the juniper type with cover primarily valuable for fuel and fence posts. No value was allowed for the cordwood, estimated to run 600,000 cords. The land is on the headwaters of the Little Colorado River and is valuable grazing land for winter grazing of stock, finding summer range in the timber type of the forest. A small acreage of timberland was involved, carrying a stand of 27,000,000 feet of merchantable timber. The entire area was secured for an exchange for national-forest stumpage amounting to 43,468,000 feet.

30. Eduardo M. Otero, Cibola National Forest: Two exchanges were made with Mr. Otero on an acre-for-acre basis. The lands secured by the Forest Service totaled 5,417 acres in the timber type on the Cibola Forest, partly cut over, but carrying a remaining stand of 3,500,000 feet of timber. These lands had been previously sold at \$2.50 an acre and were purchased by Mr. Otero for the purpose of transfer to the Forest Service in exchange for an equal acreage of grassland on the T Bar mesa, within what was then the Datil National Forest, now a part of the Gila. The land acquired by the Government will steadily increase in value as the timber grows. The mesa grassland has no such potential possibilities.

31. El Paso & Rock Island Railroad, Lincoln National Forest: In this case the railroad secured from the Government 27 acres of land on which to build a dam flooding an area already owned by the company for purposes of water storage for water supply for the railroad system and for some seven or eight relatively small communities along the railroad, giving in exchange 240 acres of timber land with 391,000 feet of timber.

32. United Verde Copper Co., Tusayan National Forest: This company gave the United States 160 acres of timberland on the Tusayan National Forest, carrying 837,000 feet of merchantable

timber, for 40 acres of grassland in the Verde Valley on the Coconino Forest for use in connection with water development, the water being already appropriated under the State laws.

33. Miners and Merchants Bank of Bisbee, Tusayan National Forest: The Forest Service acquired 32,327 acres of woodland on the Tusayan National Forest in alternate sections and important in connection with grazing control and watershed protection on the Verde drainage for 25,143,000 feet of timber, the offered land carrying a merchantable stand of over 100,000 cords of wood and the deal carrying with it the transfer to the Government of a going contract for the sale of a large part of this wood at a figure which will meet more than half of the values allowed for the transaction.

34. Camp Creek Improvement Co., Tusayan National Forest: The Camp Creek Improvement Co. conveyed 1,916 acres of ponderosa (cut-over) pinelands with seed trees and reproduction to the United States for 1,911 acres of semidesert on the Tonto Forest.

35. State Investment Co.: This case involves timberlands on the head drainages of the Rio Pueblo, flowing into the Rio Grande and the Mora, flowing into the Canadian and Mississippi. It involves 41,397 acres, about half of which is timbered with a merchantable stand of about 195,000,000 feet, the remainder being practically all in the timber type, burned over, but with young growth reproducing timber. The entire holding was secured under special act of Congress for 40,328,000 feet of timber, estimated, and 914 acres of selected lands, the timber to be cut in New Mexico and the selected lands being located in Arizona.

36. Mike Chaco, Sitgreaves National Forest: Mr. Chaco transferred to the Forest Service 5,167 acres in alternate sections, largely timber, with a stand of merchantable timber totaling 47,868,000 feet, for timber cut under Forest Service supervision totaling 8,317,000 feet.

37. Lassen Lumber & Box Co., Lassen National Forest: The proponent transferred to the United States 1,200 acres of carefully logged cut-over lands for 489 M feet yellow-pine national-forest stumpage, which was cut under Forest Service regulations. Here was a case in which the United States acquired 2.45 acres of timber-growing land for each 1,000 feet of selected stumpage.

38. Robert Oxnard, Plumas National Forest: This proponent transferred to the United States 2,240 acres of good-quality cut-over timberlands for 40 acres of land on which he had been maintaining a summer home under special-use permit. Only half of the 40 acres deeded to the proponent was usable land. By this exchange the United States received land in the proportion of 56 acres for one acre.

39. State Teachers College, Lassen and Sierra Forests: In this case the United States received 600 acres of land within which were seven lakes in size from 3 acres to 70 acres, for 40 acres of land adjacent to Huntington Lake suitable for summer-school purposes; a 15 to 1 proposition.

40. Standard Investment Co., Plumas National Forest: This proponent transferred to the United States 240 acres of virgin timberland within 3 miles of a going Forest Service timber-sale operation. There was 11,290 M feet of timber on this land, an average of 47 M feet per acre. In exchange the proponent received 3,056 M feet of national-forest stumpage. By this exchange the Forest Service acquired nearly four times as much stumpage as it gave, and also acquired title to 240 acres of good timber-growing land.

41. A. E. Stegeman, Sequoia National Forest: Here is a case where the proponent gave the United States 240 acres of isolated timberland, with a virgin stand of over 40 M feet per acre for 280 acres of rolling foothill grazing land just within the forest boundary. The selected land adjoined the farming land owned by the proponent, and would be an asset to him. On the other hand, the 240 acres of heavily timbered lands received by the United States were so located as to be unusable by him.

42. Weed Lumber Co., Shasta National Forest: Here is a case where the proponent owned all of the land within several miles of their logging camp except one isolated tract of 27.79 acres of national-forest land. The company wished to acquire this tract also in order to be in a position to absolutely control all business enterprises near their camp. It therefore deeded to the United States in 1924, 2,828 acres of cut-over land for this isolated 27.79 acres. On the land acquired by the United States was 500 M feet of timber; on the selected tract, 50 M feet of timber. Therefore, through this exchange the United States acquired land in the proportion of 100 acres for 1 acre, and 10 M feet of timber for each M feet given. It is interesting to note in this case that within 18 months of the consummation of the exchange the United States had sold from the 2,828 acres it received stumpage to the value of \$1,293.57.

43. Mrs. C. H. Morrill, Eldorado National Forest: Mrs. Morrill owned a very fine 160-acre tract of timbered land that had a stand of 9,076 M feet, mainly pine, an average of over 56 M feet per acre. However, this tract was rather isolated and Mrs. Morrill could not harvest the timber or sell it to an operator. Therefore, she deeded it to the United States for 600 M feet of national-forest stumpage appraised at \$1,600. By this exchange the United States acquired 15 times as much timber as was given the proponent, and also was deeded 160 acres of highest-quality timber-growing land. On the appraisal basis the timber acquired from Mrs. Morrill actually cost the United States less than 17 cents per M feet b. m.

44. Lincoln Hutchinson, Tahoe National Forest: Mr. Hutchinson deeded to the United States 147.6 acres of land for 37.5 acres. The land acquired by the United States has 1 mile of a main State highway and three-fourths mile of a fine fishing stream



through it. There is also a very fine site immediately adjacent to the highway for a public camp. The 37.5 acres Mr. Hutchinson received is very ordinary quality sidehill, fir-timbered land, but it adjoins a ski-club headquarters and has a special value to Mr. Hutchinson and the other club members for that reason.

45. Sierra Nevada Livestock Co., No. 1, Angeles and Tahoe National Forests: Through this exchange the United States acquired 16,218 acres of cut-over timber land on the Tahoe Forest and a 5-acre ranger-station site with necessary buildings on the Angeles Forest, for 2,091 acres of land on the Angeles Forest. The lands acquired by the proponent were so located in relation to its private holdings that they could be developed in connection with them; but this 2,091 acres was not usable by the public as the proponent controlled all means of access to the land and all of the surface waters thereon. As a result of the exchange the United States acquired eight times as much land, all of which had better timber growing and grazing values.

46. Arrowhead Lake Co., San Bernardino and Sierra National Forests: In this case the proponent needed 120 acres of national-forest land to round out a mountain recreational real-estate development and was willing to pay a good price for it, although it was poor quality timberland. The Arrowhead Lake Co., therefore, transferred to the United States a tract of 200 acres on the San Bernardino Forest which was very desirable for public use, and 1,040 acres of virgin timberland on the Sierra Forest containing a stand of 19,389 M feet of timber. By this exchange the United States acquired 10 acres of land for 1 acre and 100 M feet of timber for 1 M feet.

47. Nonnenmann Estate, Tahoe National Forest: In the exchange with this estate the United States received 11,304 acres of land for 11,504 M feet of national-forest stumpage that was cut under Forest Service timber-sale regulations. This was an average of about 1,000 feet of timber for each acre of land deeded to the United States. However, on the 11,304 acres acquired there was a stand of about 84,000 M feet of virgin timber, so through the exchange the United States received over 7,000 feet of timber for each 1,000 feet given for the land, and got the land in addition. This 11,304 acres is crossed by a fine State highway, is all very accessible, and some of it has a high public-use value.

48. Southern Pacific Land Co., San Bernardino National Forest: This exchange has several angles not found in the average case. The people of Riverside County desired a State park in the San Jacinto district of the San Bernardino National Forest. The land desirable for park purposes was all odd-section land-grant lands owned by the Southern Pacific Land Co., or even sections of national-forest land. After several 3-cornered conferences it was decided that the best, quickest, and cheapest way to accomplish the purpose sought was through a consolidation exchange between the United States and the Southern Pacific Land Co., the State of California then to purchase from the Southern Pacific Land Co. the solid block of land the latter company would acquire through the exchange. As worked out, the United States receives 9,794 acres of land for 6,234 acres, thus will gain 3,560 acres by the exchange. The Southern Pacific Co. has contracted to sell the solid block of 12,695 acres to the State of California for State-park purposes. The result will be that the whole of the main part of the San Jacinto range will be in public ownership, either national forest or State park, and the railroad land-grant holdings will be entirely eliminated from this valuable watershed and recreation area.

49. Piedmont Land & Cattle Co., Santa Barbara National Forest: The Piedmont Land & Cattle Co. have very large holdings of timbered, brush-covered, and open grazing lands, on and near the Monterey district of the Santa Barbara Forest. Scattered through their holdings were tracts of national-forest lands that the company wished to acquire in order to block out its holdings and permit of economical fencing and stock handling. There were 5,614 acres of this scattered land desired by the company. Application was made to acquire this land, the proponent offering in exchange to deed to the United States 1,756 acres of land in the Monterey district and to purchase and deed also such additional acreage of land as the Forest Service believed would make an exchange that would be in the public interest. After the appraisal of the offered and selected lands was made, an agreement was reached as to the value of the additional lands needed to square up the exchange; the proponent requested that the Forest Service furnish a list of the lands that would be acceptable and the price at which they could be acquired. The result was that the proponent purchased 14 parcels of land ranging in acreage from 38.76 to 7,762 acres, deeding to the United States a total of 17,612 acres of land scattered over eight forests in California for the 5,614 acres selected on the Monterey district. This 5,614 acres deeded to the Piedmont Land & Cattle Co. by the United States was mainly brush or grass-covered grazing lands with little timber thereon. Included in the 17,612 acres acquired by the United States is one fine fire lookout point, a desirable fire-guard-station site, several hundred acres of virgin timber land, about 12,000 acres of good-quality cut-over land, and a number of sites that have a high value for public uses, such as camp grounds, etc. There was 3,600 M feet of almost inaccessible redwood timber on one piece of the selected land whereas there was 57,390 M feet of merchantable timber on the land acquired by the United States. In other words, sixteen times as much timber on the land acquired by the United States as there was on the land deeded to the Piedmont Land & Cattle Co. Perhaps the most valuable single parcel acquired by the United States in this exchange was one tract of 155 acres for which the proponent paid \$10,000. This tract, which consists of a round meadow of about 40 acres surrounded by pine timber, is a noted feeding place for deer. Anywhere from 40 to 100 or

more deer can be seen on the meadow at any time except during the open hunting season.

50. Brooks Scanlon Lumber Co. and Shevlin-Hixon Co., Deschutes National Forest: In these cases a changed policy in logging methods and protection of young growth resulted from the establishment of a schedule of values for cut-over and restocked lands, based on the amount of young growth, number of seed trees, etc. Deschutes County has supported exchange legislation and the exchange policy because of the public benefit accruing. An average of \$2.12 per acre in selection timber was granted for the 27,254 acres thus far acquired.

51. Edwin Fallas Co., Wallowa National Forest: In the exchange made with this company in 1926 we received 1,080 acres of yellow-pine type, of which 388 acres were intermingled grasslands, for a total value in selection timber of \$3,640. In 1928, 2,378 M feet of timber was cut from one of the tracts, for which \$7,172 was paid by the timber operator, this being obtained from 279 acres of the total of 692 timbered acres received. For the remaining \$1,468 worth of timber granted we still have 1,080 acres of grazing land worth under present-day conditions around \$1 per acre, 4,137 M feet of ponderosa-pine timber on the 413 acres of uncultivated timberland, and a 20 per cent reserve stand on the cut area.

52. William O. Spencer, Colville National Forest: In this exchange we received 480 acres of restocking white-pine land for 241.73 M feet of timber of the Douglas-fir type, cut from 10 acres in the Snoqualmie Forest.

53. Hammond Lumber Co., Santiam National Forest: In the Hammond Lumber Co. exchange on the Santiam 3,952.04 acres of cut-over land of the Douglas-fir type was obtained in exchange for timber valued at \$3,952.04 cut from 62 acres of national-forest land. About one-half of the area had thrifty young growth up to 25 years old; that is, the crop was approximately one-third grown. All was restocking to timber by natural methods. As in the case of many of the second-growth (cut-over) lands being obtained, these lands represent the most accessible and better timber-growing sites; that is, those areas which were accessible and economically possible of profitable exploitation 25 and more years ago.

54. Bloedel-Donovan Lumber Co., Snoqualmie National Forest: An exchange mainly for similar land with the Bloedel-Donovan Lumber Co. on the Snoqualmie forest is still pending. Three thousand one hundred and sixty-six and forty-two hundredths acres are involved, 362 of which had never been cut and contain a stand of 9,323 M feet of merchantable timber, which because of economic conditions had been found impracticable of logging at the time the remainder of the timber was cut. The timber granted consists of 2,046 M feet, worth in cash \$6,332.84.

55. Oliver Gollings, Ochoco National Forest: In this case 160 acres of timberland, carrying 2,226 M feet of ponderosa-pine timber, was obtained in exchange for 366 M feet on the Crater of the same species and substantially the same quality, valued at \$1,150. The tract acquired is located on a road at the forest entrance and is a key tract, but there is no present demand or market for logs cut from the area. This case is illustrative of many small exchanges made for timbered tracts, inaccessibly located, where private owners have found taxes and other carrying costs practically prohibitive of holding the timber until it might become operative. However, where it is estimated that the timber will have to be held from 20 to 30 years for a market, as is true in many cases, young growth which is one-third to two-thirds grown and can be obtained at a nominal acreage figure undoubtedly represents a better investment for the outlay from a timber-growing standpoint, and has therefore generally received preference when such offers were obtainable.

Number of land exchange cases consummated up to December 31, 1931

State	Number	Land conveyed to the United States		Selected land granted in exchange		Timber granted in exchange	
		Area	Appraised value	Area	Appraised value	Volume	Appraised value
		<i>Acres</i>	<i>Dollars</i>	<i>Acres</i>	<i>Dollars</i>	<i>M feet</i> <i>b. m.</i>	<i>Dollars</i>
Arizona.....	24	173,894	308,581	8,864	21,321	109,733	267,004
Arkansas.....	4	32,945	61,679	146	1,030	7,746	50,580
California.....	85	175,729	1,414,430	25,671	481,677	216,811	675,308
Colorado.....	168	75,074	321,602	25,592	64,456	50,099	167,270
Florida.....	11	55,917	116,562	21,015	42,181	12,514	72,785
Idaho.....	68	59,897	155,443	538	2,546	19,745	127,368
Michigan.....	20	136,004	227,733	135,113	198,248	.....	.....
Minnesota.....	16	2,854	16,983	26	16	2,796	12,825
Montana <sup>1</sup> .....	87	129,462	263,185	76,929	191,707	24,747	72,942
Nebraska.....	1	8,960	44,800	8,959	34,793	.....	.....
Nevada.....	1	3,504	6,728	3,520	6,013	.....	.....
New Mexico.....	34	68,006	295,161	8,076	14,415	109,427	266,122
North Carolina.....	1	71	144	1	4	.....	.....
Oregon.....	178	181,592	1,091,886	44,914	571,274	199,592	434,134
South Dakota.....	28	8,666	28,276	418	1,916	5,002	19,221
Tennessee.....	1	14	70	.....	.....	.....	.....
Utah.....	39	29,070	155,175	27,903	145,017	.....	.....
Washington.....	48	57,269	232,510	967	5,195	85,625	185,627
Wyoming.....	16	6,172	32,569	1,763	3,299	5,431	17,634
Total.....	830	1,205,100	4,773,519	390,415	1,795,099	838,268	2,377,920

<sup>1</sup> This does not include the fifth "smoke" exchange, whereby the Government has, since Dec. 31, 1931, secured 24,154 acres from the Anaconda Copper Co. in exchange for 16,884 acres of Government land in the zone of apparent smelter-fume damage.



The following acts of Congress authorize exchanges within the various national forests, August 15, 1932

Date of act	Forest	Authorizes
Mar. 13, 1908 (35 Stat. 43)	Crow Creek National Forest	Land in national forest for public domain military maneuvers.
Feb. 18, 1909 (35 Stat. 626)	Calaveras big trees	Lands in forest for public domain.
Feb. 28, 1911 (36 Stat. 960)	Kansas	Lands within equal area and value (all reconveyed).
Mar. 4, 1911 (36 Stat. 1357)	National forests within Oregon	Lands within.
May 7, 1912 (37 Stat. 108)	Calaveras big trees	Do.
July 25, 1912 (37 Stat. 200)	Paulina	Lands within equal area and value.
Aug. 22, 1912 (37 Stat. 323)	Pecos-Zuni	Timber Pecos for timber and land Zuni (Santa Barbara Pole & Tie Co.).
July 31, 1912 (37 Stat. 241)	State of Michigan	State lands equal area and value (either outside or within national forests).
Apr. 16, 1914 (38 Stat. 345)	Sierra-Stanislaus	Timber and land for land within Yosemite National Park.
May 13, 1914 (38 Stat. 376)	Sierra	Lands within equal area and value.
June 24, 1914 (38 Stat. 387)	Ochoco	Do.
Sept. 8, 1916 (39 Stat. 852)	Whitman	Land within for timber in or near national forest.
July 3, 1916 (39 Stat. 344)	Florida	Equal value.
Sept. 8, 1916 (39 Stat. 846)	Oregon	Do.
Mar. 3, 1917 (39 Stat. 1122)	National forests in Montana	Timber selected in national forests.
Mar. 4, 1921 (41 Stat. 1364)	Carson	Land for equal value land or timber in forest.
Feb. 27, 1921 (41 Stat. 1148)	Montezuma	Equal value land for land or timber in forest or on 320 acres adjoining.
June 5, 1920 (41 Stat. 980)	Sierra	Equal value land for land or timber in forest.
Mar. 4, 1921 (41 Stat. 1366)	Rainier	Do.
June 5, 1920 (41 Stat. 986)	Harney	Land, equal value.
May 20, 1920 (41 Stat. 605)	Oregon	Land for land, equal value, or timber within forest.
Feb. 2, 1922 (42 Stat. 362)	Deschutes	Lands within 6 miles or in forest for lands or timber in any Oregon forests.
Mar. 20, 1922 (42 Stat. 465)	All	General exchange act, land for land or timber in national forest, equal value.
Mar. 8, 1922 (42 Stat. 416)	Malheur	Land for land or timber in forest, equal area.
Sept. 22, 1922 (42 Stat. 1036)	Wenatchee, Olympic, Snoqualmie	Lands outside for lands or timber within, equal value.
Dec. 20, 1921 (42 Stat. 350)	Rainier	Lands for land or timber within forest, equal value.
Feb. 14, 1923 (42 Stat. 1245)	Lincoln	Lands in forest for lands outside, equal value.
Sept. 22, 1922 (42 Stat. 1017)	All	Land deeded to United States under act June 4, 1897, base of new selections outside forests.
Sept. 22, 1922 (42 Stat. 1018)	State of Idaho	School lands in forests for certain lands outside.
Mar. 3, 1925 (43 Stat. 1117)	Custer	Reservation coal offered lands.
Feb. 20, 1925 (43 Stat. 952)	Plumas, Eldorado, Stanislaus, Shasta, Tahoe	Lands outside national forests for lands or timber within, equal value.
Feb. 28, 1925 (43 Stat. 1079)	Mount Hood	Do.
Mar. 4, 1925 (43 Stat. 1279)	Umatilla, Wallowa, Whitman	Lands outside national forest for lands or timber under act Mar. 20, 1922.
Feb. 28, 1925 (43 Stat. 1090)	All	Reservation of mineral, timber, etc., under act Mar. 20, 1922.
June 7, 1924 (43 Stat. 643)	Forests in New Mexico	Private lands in Las Trampas grant for timber of equal value in any forest in New Mexico.
Jan. 12, 1925 (43 Stat. 739)	do.	Private lands in Santa Barbara grant for timber of equal value in any forest in New Mexico.
Feb. 28, 1925 (43 Stat. 1074)	Snoqualmie	Lands outside for lands or timber within forest under act Mar. 20, 1922.
Mar. 3, 1925 (43 Stat. 1215)	All	Provisions of general exchange act extended to lands acquired under weeks law.
Mar. 4, 1925 (43 Stat. 1282)	Whitman	Lands outside for land or timber within forest under act Mar. 20, 1922.
Apr. 21, 1926 (44 Stat. 303)	All forests in New Mexico and Arizona	Lands within Mora grant for lands or timber within forests.
May 26, 1926 (44 Stat. 655)	Absaroka, Gallatin	Private lands within for lands or timber within forests.
June 15, 1926 (44 Stat. 746)	National forests in New Mexico	State-owned lands within forests for lands in forests or public domain.
Mar. 3, 1927 (44 Stat. 1378)	Arapaho	Lands outside for national-forest land or timber.
Mar. 4, 1927 (44 Stat. 1412)	Colville	Do.
Feb. 15, 1927 (44 Stat. 1099)	Black Hills and Harney	Lands within 5 miles for national-forest land or timber.
Mar. 2, 1927 (44 Stat. 1262)	State of Oregon	Select reversioned Oregon and California land in lieu school sections in national forests.
Apr. 16, 1928 (45 Stat. 431)	Carson, Manzano, Santa Fe	Lands within private land grants.
Apr. 23, 1928 (45 Stat. 450)	Crater	Lands within 6 miles of national forest.
Apr. 10, 1928 (45 Stat. 415)	Challis, Sawtooth	Certain described lands outside national forest.
Mar. 28, 1928 (45 Stat. 370)	Manti	Lands outside national forest.
May 17, 1928 (45 Stat. 598)	Missoula	Certain described lands outside national forest.
Jan. 30, 1929 (45 Stat. 1145)	Montana	Lands within 6 miles of national forest.
Feb. 7, 1929 (45 Stat. 1154)	Lincoln	Lands within national forests for public domain.
Feb. 25, 1932 (Public No. 43)	Cache	Certain described lands outside national forest.
May 14, 1930 (46 Stat. 278)	Fremont	Lands in certain described townships outside national forest.
June 30, 1932 (Public No. 226)	Siuslaw	Extended to lands in township 12 south, ranges 6 and 7 west.

The following acts authorize exchanges with private parties: July 15, 1912 (37 Stat. 192), Black Hills, Harney, John L. Baird; May 14, 1914 (38 Stat. 377), Cache, Joseph Hodges; July 28, 1914 (38 Stat. 556), Fishlake, Salina Land & Grazing Co.; February 17, 1917 (39 Stat. 922), Cache, Aquila Nebeker; July 3, 1916 (39 Stat. 340), Powell, Sevier, John L. Sevy; February 28, 1919 (40 Stat. 1204), Cache, James E. Hauser, William H. Stewart, Isaac P. Stewart; February 28, 1919 (40 Stat. 1209), Cache, C. Bolling, F. Zollinger, Jr., Conrad Alder, Robert Murdock; June 4, 1920 (41 Stat. 757), Colorado, John Zimmerman; January 7, 1921 (41 Stat. 1087), Sevier, Henry Blackburn; February 7, 1921 (Public, 333), San Isabel, A. A. Bruce; December 30, 1919 (Private, 12), Powell, Sevier, Thomas Sevy; April 11, 1922 (42 Stat. 493), Tahoe, William Kent; April 13, 1926 (44 Stat. 248), Medicine Bow, Leo Sheep Co. (selected land outside).

The CHAIRMAN. The time of the gentleman from Montana has again expired.

Mr. LEAVITT. I thank the House for its attention.

Mr. HASTINGS. Mr. Chairman, I yield 10 minutes to the gentleman from Texas [Mr. THOMASON].

Mr. THOMASON. Mr. Chairman, we hear the word "economy" used many times each day on the floor of this House. I think the taxpayers of the country will commend us for making progress toward putting our words into effect; and yet it seems to me as a bit of inconsistency that about as fast as this House practices rigid economy some department of the Government, through either departmental or Executive order, will destroy a large amount of the economy that Congress has practiced.

I refer especially to an order now issued by the War Department—and to become effective January 1—for the abandonment of certain Army posts throughout the country. Let it be understood in the beginning that I am in

sympathy with the general purpose of that order, provided it is equally, fairly, and justly applied to all Army posts throughout the country.

It will be recalled that in the legislative appropriation act which was passed this year, approved June 30, 1932, section 315, Public, No. 212, there appears this language:

The President is authorized during the fiscal year ending June 30, 1933, to restrict the transfer of officers and enlisted men of the military and naval forces from one post or station to another post or station to the greatest extent consistent with the public necessity.

Now, what I complain about is that without the suggestion, approval, or consent of Congress, or any of its committees, the War Department issues an arbitrary order for the abandonment of established posts. I shall not take much of your time to recount a lot of the history of the post to which I refer, Fort D. A. Russell, at Marfa, Tex., but may I remind you of this, because you will recall it, that in 1915 Pancho Villa crossed the Mexican border and came into the little town of Columbus, N. Mex., and wrote the most uncomplimentary page in the history of our great American Army. He killed American citizens, stole the horses of the American Army, burned the town, and went back to Mexico, chased by our own great General Pershing but never caught. That alarm spread all along the Mexican border, and very properly so. Shortly thereafter, opposite the town of Marfa, Tex., which is known as the Big Bend country there was another raid, in the locality of what is known as the Brite Ranch, where a number of American citizens were killed. There have been in the last 15 years a

number of raids along that section of the Mexican border. That part of the country on both sides of the Mexican border has for a long time been the rendezvous for outlaws and Mexican revolutionists.

In order to furnish proper protection to the people of Marfa and the Big Bend country of Texas the War Department in its wisdom sent a regiment of soldiers there and established what they were pleased to call Camp Marfa, but later, realizing the importance of that section for a military post, on December 11, 1929, the War Department issued this order, and I quote verbatim:

Camp Marfa announced as a permanent military post and designated as Fort D. A. Russell under the provisions of paragraph 3-P-AR-17010), the reservation now known as Camp Marfa, Tex., is hereby announced as a permanent military post, and will on and after January 1, 1930, be designated as Fort D. A. Russell in honor of Brig. Gen. D. A. Russell, United States Volunteers, who was killed at the Battle of Winchester, September 19, 1864.

You will recall, Mr. Chairman, that the name of the post at Cheyenne, Wyo., which for many years carried the name of Fort D. A. Russell, was after the death of the late Senator Warren changed to Fort Warren and Camp Marfa was changed to Fort D. A. Russell and made a permanent post.

I am not talking about the military policy involved, because the Army is not my profession and I am not an expert in such matters. I do contend that soldiers are needed more on the Mexican border than anywhere else. I am a friend of the Army. I believe absolutely in adequate preparedness. As a citizen and public official I have actively supported the Army. I am now talking about the economy and business side of this question.

The 4,000 people at Marfa and in the Big Bend of Texas never asked for the establishment of an Army post there, but after it was established and made permanent they relied upon the good faith of their Uncle Sam, paved their streets, extended their water mains, gave or leased the Government land, and built a modern hotel. A regiment of Cavalry is now there. The men live decently and economically, and now the War Department, without the consultation or approval of any committee of Congress, much less the House Committee on Military Affairs or the Senate Committee on Military Affairs, issues an arbitrary order that the post shall be just wiped off the map and those soldiers transported right now, on January 1, to Camp Knox, Ky., which was an old cantonment during the war. At times the conduct of the Army indicates they do not want friends in Congress.

Let me say this, too: That the Government, after the order establishing it as a permanent post, acquired 435 acres of land; they erected 154 permanent buildings and 26 temporary buildings, or a total of 180 buildings; they built officers' quarters, barracks, married and enlisted men's quarters, stables, garages, a mess hall, filling station, blacksmith shop, saddle shop, bakery, laundry, fire station, and hospital; they spent there more than a million dollars of the taxpayers' money. Not only that, but only last year, out of an appropriation by a previous Congress, they put in new waterworks and new plumbing in the officers' quarters, and now, without consulting anybody in Congress, they say: We will move these troops 2,000 miles to the interior at a cost, I venture to say, of \$75,000 or \$100,000, as well as breaking faith with the people of that little city and that border country.

Mr. MAY. Mr. Chairman, will the gentleman yield?

Mr. THOMASON. I yield.

Mr. MAY. Have they actually begun the movement?

Mr. THOMASON. The order is that they shall be moved by the first day of next month. I have offered in the House to-day a resolution requesting the Secretary of War to rescind or postpone the order until the facts are investigated and some policy can be established about this matter. The Senators and Congressmen from Texas, Arizona, and other States have begged the War Department to stay the order. The Legislature of Texas and thousands of citizens have plead in vain.

Talk about economy! Why, this does not take a single man off the pay roll. It increases rather than decreases governmental expenses. All they propose to do is to take these soldiers 2,000 miles to an old war-time cantonment up in Kentucky. I know the Mexican border, and protection is needed there. There is neither wisdom or economy in such a move at this time. I am friendly to the Mexican people. As a citizen and public official for a good many years along the Mexican border, I know many of their high officials and hold them in high esteem. I also know there is a band of revolutionists plying all the time along the Rio Grande in the State of Chihuahua, who constitute a threat to the peace and happiness of the people along that border, and this very post at Marfa has been a stabilizing influence for international friendship and good will. The officers of this very regiment of Cavalry very frequently play polo with the officers of the Mexican army who come up from Chihuahua City.

So what is to be gained by such action at this time? The Army belongs to the taxpayers. It ought to be the servant and not the master of the people. I grant you that under the Constitution the President and the War Department have the right to move troops anywhere they please, and that is as it should be; but in times of peace why be taking these soldiers and transporting them at large expense 2,000 miles to the interior of the country when if they are needed anywhere it is along that border? With the exception of Fort Bliss and Fort Huachuca there will not be another post left between San Diego and Brownsville, Tex., a distance of about 1,300 miles. If the War Department wants to experiment on mechanization, why not get its troops from the vicinity of Camp Knox, where there are several Army posts?

Let me call your further attention to this order. When the order of abandonment came out there were, I think, 53 posts on the list, and many of my colleagues did not object to abandonment of posts in their districts. In the list was also Fort Brown, the post at Brownsville, Tex. The War Department only in April this year wrote a high official of this Government as follows:

Fort Brown, Brownsville, Tex., is scheduled to be abandoned, and I think you will agree it should be if you will take the time to investigate all facts concerning this small post. As a matter of fact, during its history it has been scheduled for abandonment many times.

Yet, about a week ago, with Fort Brown on the list, that order, I understand, was rescinded. I do not know why, but it is a strange coincidence to me that it happens to be the home of a very good friend of mine, a former roommate at the University of Texas, Hon. R. B. CREAGER, Republican national committeeman from Texas. I rejoice that my good friend and the people of Brownsville have saved their post, but I fail to understand or appreciate the discrimination. Of course, I hope that politics has not crept into the matter. I trust I am not to be punished because of any animus toward me or one of the Senators from Texas who has expressed himself quite forcibly on the subject. I want this question determined alone upon its merits. I only ask that all be treated alike, having in mind the wisest military policy, and also the practice of rigid economy in these strenuous times.

Mr. TAYLOR of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. THOMASON. I yield.

Mr. TAYLOR of Tennessee. What excuse does the War Department assign?

Mr. THOMASON. Only that they want to mechanize the Army. They propose to do away with the First Cavalry of the United States, a regiment famous on the battlefield and also in song and story. And this in the face of the recent annual report of the Chief of Staff, who praises the Cavalry and says that some is necessary. Trucks could not invade or airplanes land in the Big Bend country of Texas. There is no rougher terrain anywhere and it requires horses to get over that country if bandits or revolutionists are to be



apprehended. It requires cavalry to hold the ground after it is once taken.

Mr. RICH. Mr. Chairman, will the gentleman yield?

Mr. THOMASON. I yield.

Mr. RICH. If they move these troops from the Texas border, where you say they have barracks already constructed to take care of them, built at the expense of a million dollars, what is going to be the cost to the Federal Government to house them in the new location?

Mr. THOMASON. Why, I make this prediction, my friends, and I call upon the Appropriations Committee to watch it with a careful eye. It will not be a year before they will be here asking an appropriation of \$1,000,000 to improve Camp Knox, Ky., and make a bat roost out of Fort Russell. There is no economy in it. The War Department is neither fair nor just about the matter. They punish me and my people and reward others. No harm can come by a delay of three months. Let the next administration fully investigate the merits of all Army posts and agree on a policy that will have the approval of Congress and the taxpayers.

Mr. RICH. In the gentleman's inquiry to the Army officials, so far as expenses were concerned, did they give you any satisfaction?

Mr. THOMASON. Their excuse is that they want to mechanize this regiment by sending it to Camp Knox, Ky. If they want to mechanize, and that is the proper thing to do, why not mechanize it there where they already have a permanent post?

I undertake to say that the House Committee on Military Affairs, of which I happen to be a member—and I do not speak for them officially, but from expressions of many of the members to me—would never approve of such a course. I undertake to say that the Senate Committee on Military Affairs would not approve of this, because the ranking Democrat on the committee and the next chairman of the committee, is Senator SHEPPARD, who has pleaded with the War Department to hold this order up until the new administration comes in, so that the Congress can map out a general policy.

Mr. MAY. Will the gentleman yield?

Mr. THOMASON. I yield.

Mr. MAY. Being from Kentucky and a member of the House Military Affairs Committee and chairman of the subcommittee that has jurisdiction of these Army posts, and knowing the importance of guarding the Ohio River between Indiana, Ohio, and Kentucky, I am just wondering if the gentleman from Texas would not find some relief in a bill before the House, to be referred to that committee, to determine whether it is more important to guard the Ohio River than it is to guard 1,300 miles of Mexican border with a dangerous Mexican element just across the river.

Mr. THOMASON. I thank my friend from Kentucky. My colleagues from that State have let me know they are not asking for these troops. They do not want to see my people punished or an injustice done. The people of Marfa and the Big Bend country have but one industry, and that is cattle. Most of them are broke. The merchants of the town are dependent largely upon the Army pay roll. They are a proud people who pioneered along the border and in the great Southwest. They do not want to ask for relief loans from the Reconstruction Finance Corporation, but that may be the only recourse left.

I have to-day introduced a resolution, which has been referred to the Committee on Military Affairs, requesting that the troops at Fort Russell be retained there at least for the present, and that the order of transfer to Camp Knox, Ky., be rescinded. I hope for early and favorable action from the committee. Many Members on both sides of the House have assured me they are in sympathy with my position. No harm can be done by a little delay. I am sure the Secretary of War is responsive to the wishes of Congress. No troops have yet been moved. The only thing necessary to be done is to wire the corps area commander at San Antonio, holding up the order. I believe I know the wishes of this House, and I trust to the fairness of the Secretary of War

to hold up the order of removal until the committee can pass upon the merits. [Applause.]

[Here the gavel fell.]

Mr. MURPHY. Mr. Chairman, I yield 15 minutes to the gentleman from Illinois [Mr. DE PRIEST].

Mr. DE PRIEST. Mr. Chairman, I wish to discuss with the Members of the House this morning an item that will be up in the Interior Department appropriation bill in regard to Howard University.

Howard University was established some years ago for the express purpose of giving those of my group an opportunity for a higher education. This Government has been appropriating money for several years to help rebuild the institution and to pay some of the educational expenses. During the great economy wave of the last two years there have been no appropriations made for new buildings, but an emergency has arisen now whereby, carrying out the 20-year building program, it is necessary to build a new power plant to generate heat and electricity for the institution.

The Bureau of the Budget, in the first session of the Seventy-second Congress, recommended an appropriation for this purpose. The Bureau of the Budget, when the first estimates came up this year, also made this recommendation but changed it later on, and the bill as now proposed does not carry any appropriation for the building of a power plant.

The present plant is inadequate and antiquated. It is overloaded at the present time. There are two buildings now under construction that will be finished next fall and, if there is not a new power plant constructed, these buildings can not be occupied when they are finished, because the present facilities for heat and light are thoroughly inadequate.

I am going to ask the Members of the House, when the bill comes up—and it will be on its second reading in a few days—to assist me in putting through an amendment to build an emergency power plant.

I appreciate the economic condition the Government is in, but it does seem to me we would be penny-wise and pound-foolish to spend money there constructing new buildings and not provide heat and light for them, as the present plant absolutely can not do the work, as we will show you by a letter from the Bureau of Mines stating the conditions, checking the cost, and showing that this money is absolutely necessary to take care of an emergency now existing.

I want to recite to you a few of the buildings that the Government has taken part in helping to construct there. This Congress ought to know that we have expended and it has contributed to and assisted this institution to the tune of \$3,612,000 up to this time. You also authorized in the Seventy-first Congress an appropriation of \$400,000 with an additional authorization of \$400,000 to build a new library building. This we are not asking for now. Knowing the situation as we do, we do not think the Government is able to carry on any new building program there except in providing for those things that are an emergency and call for immediate action.

I want to read you some of the activities the Government has put there:

Science hall, built in 1909, at an expense of \$85,000.

Manual arts building, in 1910, at an expense of \$25,000.

Dining hall, built in 1920, at an expense of \$201,000.

The gymnasium and athletic field, in 1925, at a cost of \$197,500.

The medical school, in 1927, at an expense of \$370,000.

Women's dormitory, in 1929 and 1930, at an expense of \$729,000.

Chemistry building, in 1929—and this is one of the new buildings to be finished next fall—\$390,000.

Educational classroom building, which is one of the buildings to be finished next fall, at an expense of \$460,000.

In 1931 we appropriated \$225,000 to build a tunnel for distributing heat and light, and this work is almost finished and was built to connect up with the proposed power and light plant.



On emergency construction we spent \$200,000 last year to create employment for the unemployed of Washington, beautifying the grounds and terracing the grounds just back of where the administration building now stands.

No matter what happens, Howard University must have at least a heating plant ready by the beginning of the heating season, October 1, 1933, or else the chemistry building and educational classroom building, which will be completed by that date, will be without heat, and therefore not possible of use. Such a heating plant alone, without the generating equipment, would cost \$370,000; but it should be distinctly understood that in addition to this \$370,000 there will have to be an immediate appropriation of a minimum of \$40,000 to take care of the item of changing over direct-current wiring and equipment of Howard University and Freedmen's Hospital so that alternating current could be used. There must, therefore, be a minimum outlay of at least \$410,000 to solve this problem. The Bureau of Mines has officially certified, under the date of November 30, 1932, that there will be a yearly saving of from seven to eight thousand dollars if the university generates its current in its own power plant, instead of purchasing the same from public-utility sources. It may therefore be seen clearly that if the \$460,000 is made available for the construction and equipment of the power plant, including the generating equipment, that in a period of seven years all the added cost of the generating equipment—\$50,000, when it is understood that \$40,000 must be appropriated to change over the equipment from direct to alternating—will have been refunded by yearly savings and thereafter there will be a clear yearly saving of from \$6,000 to \$7,000 by reason of this current being generated, if the load on the plant does not increase over and above the present load. It is certain that the load will be increased over the present load by two additional buildings to be completed by October 1, 1933, and that this load will be further materially increased to 4,000 horsepower in the future by the construction of the following buildings: Library, the college of liberal arts, the college of fine arts, the school of law, the greenhouse, the biology building, the combined auditorium, conservatory of music and union building, the men's dormitory, the armory, and the administration building.

I may say to you that the members of the subcommittee are all favorable to these improvements, but they have made no provision for them because of economic conditions, and I want to pay my respects to Mr. MURPHY and Mr. FRENCH and Mr. Cramton, if you please, an ex-Member of this House, and Mr. TAYLOR of Colorado, and other members of the committee for the efficient work they have done to promote educational work at this institution. All of them have been loyal supporters of the institution, and I also wish to express my regret that Mr. FRENCH and Mr. MURPHY will be out of the next Congress. Howard University is losing two of its best friends. They lost one friend in Mr. Cramton, and we are now losing two more through the unwise action of the people of their districts in not appreciating the very best of talent possible.

I want to submit and have the Clerk read the letters just received from the Bureau of Mines, showing the necessity for these buildings in answer to a letter written by the architect of Howard University, Mr. Cassell, showing you it is more economical for the university to furnish its own heat and power than it is to purchase it from the utility interests in Washington.

I understand there has been some effort on the part of the public utilities of Washington to control the heating and light system up there. I wish to say further that the report of the Bureau of Mines shows that it is more economical to furnish their own light and power than to purchase it from the utilities of Washington.

Mr. MOUSER. Will the gentleman yield?

Mr. DE PRIEST. I yield.

Mr. MOUSER. I want to say that I know of no institution that is doing more for the colored race than Howard University. It is a great training school for professional

men of the gentleman's race. I have a profound respect for the gentleman who is representing his race, and I am in favor of giving them this power plant which will enable them to furnish their heat and light. Can the gentleman state the cost of this power plant which will permit Howard University to furnish its own heat and light?

Mr. MURPHY. It will cost about \$460,000.

Mr. MOUSER. Is there any conflict with the utility interests of Washington, that they may capitalize the Government expenditure for light and heat? Of course, I know that the gentleman mentioned by the gentleman from Illinois and the members of the subcommittee have no such intent, but it seems to me, in view of the interest and obligation the Government has assumed for the colored race, that it would be the proper thing to construct this plant. I hope the gentleman will offer an amendment for that purpose.

Mr. MURPHY. I want to say that the power and heating plant will cost \$460,000.

Mr. FRENCH. Will the gentleman yield?

Mr. DE PRIEST. I yield.

Mr. FRENCH. I should say that the members of the subcommittee did not omit this item through any wish of their own. It did not come to Congress from the Bureau of the Budget. Personally, I think the provision recommended by the gentleman ought to be carried through and that we ought to appropriate for a heating system that will cost \$460,000. The gentleman from Ohio asked if any effort were being made by the public utilities of Washington to block it. I know of no such effort. It has been stated that if this facility may not be provided for we could hook up with the Potomac Electric Power Co. and obtain power and light. But I question the wisdom of that, because it would take from two to six months to install the adequate machinery, and it would require an expenditure of money of approximately \$50,000 for the purchase of the same. So, then, if an emergency should occur, if there should be a breakdown, it would take two to six months before the equipment could be changed, not speaking of cost to do the work.

Mr. MOUSER. I am glad the gentleman from the committee has clarified the record as far as the utilities of Washington are concerned. I meant no reflection on them. However, this is a very important matter, and I therefore made the inquiry. I am pleased to hear the members of the subcommittee say that they are in favor of the gentleman's proposition, and I hope the gentleman will offer his amendment and that it will be adopted.

Mr. MORTON D. HULL. Will the gentleman yield?

Mr. DE PRIEST. I yield.

Mr. MORTON D. HULL. I would like to ask the gentleman from Idaho if he has an estimate of the cost of coupling up with the public utilities?

Mr. FRENCH. It would cost about \$50,000.

Mr. MORTON D. HULL. Which would be lost after the later development for the heating plant?

Mr. FRENCH. Yes, that is correct; and besides that it would mean two to six months before the work could be accomplished.

Mr. MORTON D. HULL. Is it desirable to have the Government public utilities as well as the private plant?

Mr. FRENCH. That is not necessary at all, if we provide the facilities.

Mr. DE PRIEST. Let me say that the present old building has the direct-current electrical system. If the public utilities should furnish the power the building would have to be rewired to an alternating system which would cost \$40,000.

Mr. FRENCH. And then to supply the present load, the present plant is functioning 50 per cent more than it was intended to function.

Mr. DE PRIEST. That is correct.

Mr. GARBER. Mr. Chairman, will the gentleman yield?

Mr. DE PRIEST. Yes.

Mr. GARBER. Will the gentleman from Idaho inform the members of the committee whether or not hearings were held on this important question and the facts developed?

Mr. FRENCH. Yes.



Mr. GARBER. I think it would be a great waste to permit new public buildings to remain without power and heat and light.

Mr. HASTINGS. Mr. Chairman, will the gentleman yield?

Mr. DE PRIEST. Yes.

Mr. HASTINGS. I think it ought to be said here, so that the membership of the House can have all of the facts while this item is being discussed, that originally an estimate was made by the Bureau of the Budget of \$460,000 for this heat, light, and power plant, but upon reconsideration the Bureau of the Budget withdrew the recommendation of that amount.

Mr. DE PRIEST. That is correct.

Mr. HASTINGS. And that is the reason why the subcommittee first and then later the full committee did not feel justified in permitting this new construction, after it had been reconsidered by the Bureau of the Budget and then withdrawn.

The CHAIRMAN. The time of the gentleman from Illinois has again expired.

Mr. MURPHY. I yield the gentleman five minutes more.

Mr. MOUSER. Mr. Chairman, will the gentleman yield?

Mr. DE PRIEST. Yes.

Mr. MOUSER. May I ask the gentleman from Oklahoma this question: Assuming that the statement of the gentleman from Illinois [Mr. DE PRIEST] is correct and he is fully acquainted with the provisions made for Howard University, that there are two new buildings there that will be ready for occupancy before the Congress can again appropriate, assuming that there is no special session, does not the gentleman believe that the expenditure of \$460,000 is worth while to make those buildings, which are educational buildings, ready for occupancy, and that it is false economy to spend hundreds of thousands of dollars in building them and permit them to remain vacant without heat or light?

Mr. HASTINGS. All those facts were before the subcommittee, and they were considered by the subcommittee, but, as I stated a moment ago, in view of the fact that after additional and further consideration by the Bureau of the Budget the item for the construction of this plant was withdrawn, the subcommittee did not feel justified in putting it into the bill.

Mr. MOUSER. We have heard from two gentlemen here, Mr. FRENCH and Mr. MURPHY, who state that in their opinion, and they are members of the subcommittee, this item should be included. I am wondering what the attitude of the gentleman from Oklahoma is.

Mr. HASTINGS. If the gentleman will bear with me a moment, the members of this subcommittee think there should be a great deal of new construction at various places, at various schools throughout the entire United States, and they look with favor upon a good many of these items as meritorious, but here is a time when we are called upon to pare every appropriation bill down to the bone, to cut every appropriation that can be cut, and we are advised that we should stay within the Budget estimate. Now, inasmuch as the Bureau of the Budget here in Washington, which has facilities for making an investigation of the urgency of the need of this heat, light, and power plant, has withdrawn it after a further investigation, the committee felt that we would be justified in letting it go over for another year.

Mr. MOUSER. I do not believe that my question has been specifically answered. I have heard the distinguished gentleman from Oklahoma get up on this floor, with the great ability that he possesses, and fight strenuously for appropriations for Indian schools, indicating a desire to be of service to the people of his State and his district. I wonder if the gentleman can in his mind think of any difference between a school for the education of the colored people of the country, training them for professional life, and a school for the Indians?

Mr. HASTINGS. The gentleman from Oklahoma has every sympathy for this institution, and he has shown no

prejudice against it. He is not prejudiced against any reasonable appropriation for Howard University. In further answer to the gentleman's inquiry, about appropriations for Indian schools, yes—in days gone by, when the Treasury was full, we did make appropriations, and we felt justified in making larger expenditures on Howard University and on Indian schools and Indian school buildings; but let me say to the gentleman that he can scan this bill from cover to cover and he will not find a single item of new construction for any Indian school throughout the entire United States this year, but that is not because in our judgment we think they are not needed.

Mr. MOUSER. I know the gentleman to be a broad-minded gentleman, but does he not agree with the minority members of the subcommittee that it is false economy not to spend the \$460,000 to light the institutions or buildings which are under construction and permit them to be unoccupied this year?

The CHAIRMAN. The time of the gentleman from Illinois has again expired.

Mr. MURPHY. Mr. Chairman, I yield two minutes more to the gentleman from Illinois.

Mr. MANLOVE. Mr. Chairman, in view of the fact that so much of the gentleman's time has been taken, would it not be possible to yield the gentleman five minutes in order that he can conclude his argument?

Mr. DE PRIEST. Mr. Chairman, I wish to state further that we found out on investigation that the Government through Howard University can manufacture and furnish electricity at 4.9 mills per kilowatt-hour, while the utility firms would charge 6 mills per kilowatt-hour. Not only that, but the schools of this country where those of our race can go are very limited in number as compared to the schools for the rest of the people. These boys taking the engineering course up there will have a practical school to go to where they can get the practical as well as the theoretical knowledge about power and light and heat.

It has some value along that line in addition.

I wish to ask unanimous consent to place in the RECORD at this point a letter from the architect at Howard University, addressed to the Bureau of Mines.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The letter referred to is as follows:

HOWARD UNIVERSITY,  
Washington, D. C., November 29, 1932.

DIRECTOR BUREAU OF MINES,  
Department of Commerce, Washington, D. C.  
(Attention: Mr. J. F. Barkley, supervising engineer fuel economy service.)

DEAR SIR: In connection with the efforts of Howard University to secure adequate power-plant facilities this year before we encounter a condition beginning October, 1933, where we will not be able to heat the two additional buildings which will be erected by that time, I have prepared the within rebuttal of the Potomac Electric Power Co.'s arguments as set forth in their detailed 23-page survey, issued without date, but available for the past three months, which rebuttal shows that the university can, at present and for the future, generate and distribute its own current much more economically than it can purchase the same from the Potomac Electric Power Co.

I will thank you to review this rebuttal and to write me on the following points:

First. Verification of the fact that the Bureau of Mines has carefully checked the three sets of surveys which have been prepared covering the heat, light, and power situation at Howard University and Freedmen's Hospital during the past three years and has arrived at \$460,000 as being the minimum sum required at this time to erect a suitable power plant.

Second. Verification of our statement that the power plant is an emergency need at the present and should be provided and ready for operation before the beginning of the next heating season, October, 1933.

Third. Verification of the fact that no less than \$40,000 would be necessary if the university and Freedmen's Hospital were to use public-utility (alternating) current.

Fourth. Checking and verifying of our rebuttal of the Potomac Electric Power Co.'s survey, in which we show that it is now and will—with future increase of load—be much more economical for Howard University and Freedmen's Hospital to generate and distribute their own electric power.



*Analysis of Potomac Electric Power Co.'s survey*

To purchase current as quoted by Potomac Electric Power Co.----- \$13,905.43

1. This \$13,905.43 Pepco figure is based on a proposed schedule for future approval of Public Utilities Commission supposed to take effect January 1, 1933.

1-A. If current is purchased capital expenditures as follows must be made:

(a) To replace present D. C. equipment in Freedmen's Hospital----- 20,000.00  
This is conservative—being \$9,000 less than Pepco's own figure.

(b) To replace present D. C. equipment, wiring, etc., at Howard University----- 20,000.00

40,000.00

This figure a very conservative estimate of Howard University's load of extent greater by 10 times than Freedmen's.

Annuity on this \$40,000.00 at 8 per cent----- 3,200.00

This \$3,200 added to \$13,905.43 (Pepco's figure for yearly cost of current) gives \$17,105.43 as real cost of Pepco current per year. It should be understood, therefore, that if current is to be purchased, while approximately \$90,057 may be cut off of \$460,000 appropriation for heat, light, and power plant, from \$40,000 to \$50,000 will have to be immediately appropriated for replacing D. C. current equipment at Howard University and Freedmen's Hospital, wiring, etc.

2. But the cost of current yearly, under Pepco's existing schedule would be \$15,241 and not \$13,905.43; and to this \$15,241 must be added the annuity cost of \$3,200, making a total of \$18,441 per year.

3. The additional cost to be added to the regular operating cost of heating, if current is made instead of purchased, is as follows:

Labor (engineer on watch attends generators)---  
Supplies and maintenance----- 1,000.00  
Higher by double than Pepco's own figure.

Fuel (approximately 700 tons of coal, at \$4.50 a ton)----- 3,150.00

4,150.00

Annuity on building, at \$0.047, and equipment, at \$0.080----- 16,326.00

Total additional cost for generating current. 10,476.00

4. The additional capital expenditure necessary to produce current is:

Building----- 26,656.00  
Equipment----- 63,401.00

90,057.00

5. The annuity on building at rate \$0.047----- 1,253.00

The annuity on equipment at rate \$0.080----- 5,073.00

6,326.00

Sixth. The \$10,476 per year, the total additional cost involved in making current—subtracted from \$17,105.43—(See 1-A) the total yearly expenditure involved in purchasing current, gives a yearly saving of \$6,629.43 in favor of making current when the hope-for and nonexistent schedule is used as a basis of figures, and a saving of \$7,964.43 per year in favor of making current when the existing Pepco schedule is used as a basis.

Therefore, if the load on the new plant did not increase, six years' operation on the basis of the plant making its own current would refund the \$40,000 additional initial appropriation necessary to make current; and thereafter there would be a clear yearly saving of at least \$6,629.43 in making current.

Considering the cost of current on the basis of yearly appropriations it would be necessary to appropriate about \$14,000 yearly for the operation of the plant if current were purchased, and only about \$4,200 per year if current were made.

Seventh. For any future increase of load the cost of current would be only for supplies, maintenance, repairs, and fuel, which is costing \$4,150, 1,014,300 kilowatts (Pepco's own consumption figure), equals 0.409 mill per kilowatt-hour.

Eighth. The lowest step on Pepco's schedule for energy, no matter how much is used, is 0.6000 mill per kilowatt-hour. This means that any future increase in load at Howard University and Freedmen's Hospital would result in greater savings in making current, this saving amounting to (0.6000 minus 0.409) 0.1908 for every kilowatt-hour produced.

Ninth. Any one item or all items in any of the above statements that had to be estimated from engineering and architectural calculations could not be in error in sufficient amount to affect the final decision.

Respectfully submitted.

ALBERT I. CASSELL,  
Architect for Howard University.

<sup>1</sup> See No. 5 below.

Mr. DE PRIEST. I also ask unanimous consent to insert at this point a letter in answer to the letter above referred to, from Scott Turner, of the Bureau of Mines.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The letter referred to is as follows:

UNITED STATES DEPARTMENT OF COMMERCE,  
BUREAU OF MINES,  
Washington, November 30, 1932.

Mr. ALBERT I. CASSELL,  
Architect for Howard University,  
Washington, D. C.

DEAR SIR: Your letter dated Washington, D. C., November 29, regarding statements and calculations covering the proposed power plant for Howard University and Freedmen's Hospital, has been received.

The Bureau of Mines has checked the various surveys made and has arrived at \$460,000 as the minimum sum required at this time for a power plant; it is considered that an emergency need is involved; at least \$40,000 would be needed to change over the group of buildings to be able to use alternating current; a study of the calculations submitted shows them to be essentially correct.

Yours faithfully,

SCOTT TURNER, Director.

Mr. DE PRIEST. Also a letter from C. M. Marsh, director of the Potomac Electric Power Co., showing that the school can manufacture and render to the institution cheaper power and light than the public-utilities company can.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The letter referred to is as follows:

POTOMAC ELECTRIC POWER CO.,  
Washington, D. C., November 18, 1930.

HOWARD UNIVERSITY,  
Washington, D. C.  
(Attention: Mr. A. I. Cassell.)

GENTLEMEN: We have worked in conjunction with Maj. E. A. Hind in his study of the conditions now existing at Howard University regarding the supply of electrical energy, and as a result of this study it is our opinion that at the rates for electric service now in force there would be no saving to the university if electric service were purchased from this company during the winter months.

However, we strongly recommend that arrangements should be made so that "stand-by" service from this company would be available during the heating season and all electrical energy should be purchased from this company at times other than during the heating season.

Very truly yours,

C. M. MARSH,  
Commercial Engineer.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. HASTINGS. Mr. Chairman, I yield 10 minutes to the gentleman from Kentucky [Mr. MAY].

Mr. MAY. Mr. Chairman, under the rules of the House and by courtesy of the chairman of the committee handling the pending bill, and by the good graces of the membership of the House, I shall speak briefly to-day upon the question of nonpayment or failure of payment of war debts.

I am not in the attitude of criticizing or scolding or attempting to array any prejudices, as far as European governments are concerned.

First, I wish to call attention to the fact that on the 18th day of last December this House voted upon the question of the extension of a moratorium to the European nations, upon the question of payment of war debts. At that time I opposed the granting of the moratorium and made a brief speech upon the floor of this House. I am not going to assume the rôle of one who says "I told you so," but I take the attitude to-day that any policy of vacillation or pussy-footing upon the part of this Government on the question of enforcing the payment of obligations by European countries was and is a mistake. I think the time has come in this country when we need by some expression of the House of Representatives to say to the President of the United States and to his Secretary of State, who has charge of these matters, that the United States Government expects the governments of Europe, at least those who are able and amply able to do it, to keep faith with America, and as an evidence of their good faith, if they are to demand or expect



or ask in the future any reduction in war obligations, or any deferring of payment of debts, they should first show their good faith by making payment of the matured obligations of each of their governments.

I wish to speak more particularly with reference to the French Government, because it is known throughout this country and the world that if there is a European government that is amply and easily able to meet its accruing obligations upon these debts it is the Republic of France.

I can remember when in March, 1918, the multiplied forces of the German Government had thrown around the capital city of the Republic of France a steel ring, and when the French were battling with their backs to the wall to save the fall of their capital city. I can remember at the same time upon the eastern frontiers of England that General Haig was standing with drawn sword with his back against the wall, and I can remember that in that year the principal allied nations, with which we were later the victor, were all standing with their backs to the wall in the face of the power of the military forces of Germany. I can remember when they sent a commission here, headed by Marshal Joffre, of France, and Lloyd George, of England, and when the cry was, "Hurry up, America, or it will be too late"; and I can remember when we went, not only with our merchandise, with our goods in every form, with our fleets of merchant vessels to help carry supplies to the European governments, but I can remember how it was that we sent them 4,000,000 of our men, and how it was that we spilled our blood and expended our treasures, and brought back in lieu of it none of the spoils of war except diseased veterans and helpless and maimed and crippled heroes to this country; and yet the very nation upon whose soil the battles were fought, the very nation within whose gates the Germans had made successful and triumphant march, the very nation whose very existence we preserved with the blood of our heroes, says to the American Government, "We are going to name new terms of settlement of these debts," and has refused to pay, although France in the beginning owed us more than \$4,000,000,000 and it was reduced by us by more than \$1,000,000,000. I say that when the United States Government determines that we must have steel-constructed backbones instead of jelly rolls and say to them that they must pay, and pay when it is due, the time will come when the war debts will be easily collected.

There came a day when we were gathered around the conference table to make final settlement and America sat at the table with the brilliant brain and the great heart and the wise pen of Woodrow Wilson leading it, and we asked not for spoils of war but that justice be done between an aggressor and a defensive nation. It was then that they were parcelling out territory and settling upon the indemnities of war, and we asked no compensation, no indemnity, no territory, and received neither. Yet they say to us now, although we went to their relief when Germany had France by the throat and when she was pounding away at the Channel ports on the English Channel, ready to cross into the domain of England, and when we relieved them and they admitted we had been the triumphant, victorious nation of the war and had saved the day for the Allies and for the world, then it was that they were ready to sit down at the table and take it all. Italy rounded out her frontiers in territory and was adjudged vast indemnities against Germany. England secured the destruction of the German navy that gave her security upon the high seas from the dangers of Germany for a hundred years to come. France was given vast areas of the most valuable territory upon the face of the earth and large amounts of indemnities against Germany; and yet in this day of world peace France says, "We will not pay," and she is followed by other nations that are building powerful war machines and expending multiplied millions and hundred of millions upon great armaments; and yet they say, "We will not pay the \$20,000,000 except with a string and condition to it."

It is my view, Mr. Chairman, that the inclusion of conditional payment will mean that ultimately we will lead where we started in December, 1931, to the ultimate can-

cellation of these war debts in toto. If we shall ultimately come to cancellation, as I verily believe our vacillating policy inevitably leads, then the burden of these debts will ultimately fall upon the already burdened backs of the American taxpayer. As for myself, I stand where I stood then, in opposition to the surrender or cancellation of any of the debts or to the fixing of terms, because our country is more prostrate and in greater distress to-day than even France, Germany, or Belgium. I shall never vote to saddle the burdens of these debts upon my constituents. [Applause.]

Mr. Chairman, if France was unable to pay, it would be another matter, but she is not unable, she is merely unwilling to pay. The world knows that the great World War, the greatest catastrophe of all time, was fought out principally upon French soil, and there it was that we had built great trunk-line railroads, vast multitudes of warehouses where were stored hundreds of millions of dollars worth of war materials, machinery, and food supplies. When the armistice was signed, our task, with a small merchant marine, was not to return these supplies to America, but to bring back nearly 4,000,000 of our American heroes, and we turned over to France for a mere pittance all these vast supplies, with which France and Belgium sprang quickly to recovery and a rehabilitation of their farms and their industries. We sent our army of occupation to the Ruhr district to watch over and protect French, Belgian, and other allied interests pending negotiation of terms of settlement. We did it all with money that came from the pockets of the American people. Our Uncle Sam was not merely "the man of the hour" or the hero of the world, but he was to Europe the great philanthropist, the "good Samaritan," a real friend in time of trouble. But all this carries no appeal to European nations now. The more we procrastinate, the weaker becomes our position and the stronger will become the demand from abroad for modification of terms, and, in its final analysis, outright cancellation of a major portion, if not all, of these debts. As for me, I believe political platforms are declarations of fundamental principles and ought to be sacredly observed. I was elected to this House upon the last Democratic platform, which declared against cancellation or surrender of any part of these obligations, and upon that platform I propose to stand fearlessly in the midst of the terrors and dangers of the storm; and if I shall come finally to shipwreck, my last words will be in unison with the spirit of the immortal Captain Lawrence, "Don't give up the ship." Yea, do not desert our platform. Do not saddle upon the backs of our people the burden of these debts which will hang "like a millstone about their necks" for generations to come. [Applause.]

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

Mr. MURPHY. Mr. Chairman, I yield five minutes to the gentleman from Oklahoma [Mr. HASTINGS].

Mr. HASTINGS. Mr. Chairman, I yield five minutes to the gentleman from Georgia [Mr. LANKFORD].

Mr. LANKFORD of Georgia. Mr. Chairman, I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. LANKFORD of Georgia. Mr. Chairman, in order for legislation to effectively stop the present orgy of farm-loan foreclosures it must provide an agency with sufficient means, ample authority, and definite directions to at once enter into such negotiations and financial transactions in the way of payment of taxes, interest, and otherwise as may be necessary to refinance, from the farmers' standpoint, the entire amount of the distressed farm-mortgage loans of the Nation. In every case the rate of interest should be reduced to the lowest possible rate necessary in the sale of Government bonds; the principal should be reduced to the amount the particular loan is now worth under present financial conditions and the payment of the principal of the loan must be extended for a long term of years. The new rate of interest should not be over 3 per cent, the principal should have



one-half to two-thirds of the amount written off, and the loan must be extended for 30 or more years.

In order to secure the refinancing of the farm loans on so satisfactory a basis it will be necessary for the United States Government to either buy outright all the distressed mortgage loans of the country or guarantee the payment of the principal and interest of all loans refinanced with these reductions of principal and interest and for the long term of years.

One plan would be just as helpful to the farmers as the other, and in their last analysis there is practically no difference between them. If the Government bought in the loan, refinanced as just mentioned, and guaranteed the payment of principal and interest, the loan could be immediately resold and the Government would be in precisely the same position as if it only guaranteed the payment of the principle and interest to the original owner of the loan. The loan concern would be just as safe as the owner of a loan on which the Government guaranteed the payment of the principle and interest as it would be in the ownership of Government bonds for similar amounts, rates, and terms accepted in payment for the loan.

The suggestion that it is necessary that enough money be raised by taxation or bond issues to buy and hold all farm loans at their present face value in order to stop the loan foreclosures on farm property is absolutely a mistaken idea, and is preposterous.

It would only be necessary for the Government, through a revolving fund, to pay off such interest and taxes as could not be paid by the farmer on the distressed loans each year. The amount of distressed interest would be very greatly reduced because of the greatly reduced principle and interest obtainable for the farmer by reason of the guaranty of payment by the Government and because of the farmers' ability to pay in full their interest after it had been reduced to about one-fifth of what it amounts to now.

There would be practically no defaults in interest under this arrangement. The cost to the Government would annually be much less than the amount that is wasted now on certain governmental activities now alleged to be operating in behalf of the farmers, but which, in fact, are their guillotines.

Let us give this relief to the farmers of the Nation, help the respective States to work out a uniform tax system, relieving home owners of all taxes on a reasonable amount of property for home purposes, and then let Congress pass some farm-relief legislation worthy of the name, and there would not be a single farmer in the United States who would not pay his interest promptly and in full.

The plan I am now discussing, in order to be fair and worthy of the name relief legislation, must also, so far as possible, enable the farmer who has lost his farm by foreclosure to recapture it on the terms herein provided, and also must provide just as easy a method for those who now have no homes, to acquire, keep, and enjoy them.

Then, again, if it was found necessary to issue bonds to finance this plan, the cost to the Government would be negligible. Every dollar's worth of bonds would be backed up by a first lien on farm land for a similar amount, which in a few years—if this depression is to be overcome—will be worth five to ten times as much as the lien. The interest paid by the farmers on the loans would, from time to time, pay the interest on the bonds, and the principal of the loans when paid would retire the bonds in full at maturity.

Mr. HASTINGS. Mr. Chairman, this bill makes appropriation for the Interior Department and for all bureaus and activities that are supervised by the Secretary of the Interior.

The amount recommended to be appropriated in this bill is \$43,172,904, which is \$24,010,780.35 less than the 1933 appropriation, and \$2,991,025 less than the bureau estimates for 1934.

I might say to the Members of the House that the bureau estimates are not increased in any single item. There are no new items in the bill; and wherever any changes have been made from the estimates of the Bureau of the Budget, they have been in the nature of decreases.

In the office of the Secretary the amount recommended in the bill is \$684,270. The Budget estimate is \$704,270. This is a reduction under the estimates of \$20,000, and under the 1933 appropriations of \$10,110.

Under the General Land Office the amount recommended in the bill is \$1,742,050. The estimates of the Bureau of the Budget are \$1,854,980. This is a reduction, therefore, under the estimates of \$112,930.

These reductions are accounted for in the General Land Office as follows:

Salaries in Washington, \$41,670. Surveying public lands, \$44,090. Contingent expenses, \$17,170. Protecting lands and timber, \$10,000.

Under the General Land Office the bureau contemplates the closing of four land offices: Little Rock, Ark.; Gainesville, Fla.; Cass Lake, Minn.; and Alliance, Nebr.

In the Bureau of Indian Affairs the total amount recommended for this bureau from Federal funds is \$18,938,454, a decrease of \$3,012,686 below the current appropriation and \$220,065 less than the Budget estimate. In addition there is recommended for appropriation from tribal funds the sum of \$2,231,150, which is \$40,888 more than the 1933 appropriation and \$59,670 less than the estimates.

The general items of the Indian Bureau are:

Amount recommended in bill	\$1,614,560
Budget estimate	1,695,390
Reduction below estimate	80,830
Under 1933 appropriation	21,440

Reductions below estimates are:

Salaries, office of commissioner	\$22,460
Purchase and transportation of supplies	44,600
Judges of Indian courts	2,000
Indian police	10,000

For Indian lands the amount recommended in the bill is \$33,940, the Budget estimate is \$39,130, the reduction in estimate is \$5,190, and the reduction under 1933 appropriation is \$180,757.35.

The increase in 1933 was due to \$167,000 awarded Indians by the Pueblo lands board.

#### *Industrial assistance (Indian Bureau)*

Amount recommended in bill	\$1,204,790
Budget estimate	1,301,790
Reduction in estimate	97,000
Under 1933 appropriation	196,210

Fifty-eight thousand dollars of reduction in estimate is due to cutting of item for development of agriculture and stock raising.

#### *Irrigation and drainage*

Amount recommended in bill	\$864,914
Budget estimate	867,154
Reduction in estimate	2,240
Under 1933 appropriation	145,910

Reduction below 1933 appropriation due to slackening of new construction and deduction of the legislative furlough.

#### *Education of Indians*

Amount recommended in bill	\$9,387,230
Budget estimate	9,422,035
Reduction in estimate	34,805
Under 1933 appropriation	1,009,270

Reduction in estimate due to:

Nonreservation boarding schools	\$13,005
Education, natives in Alaska	21,800

Reductions below 1933 due to:

Elimination of new construction items—	
Deduction of \$10 per capita	\$182,150
Deduction of legislative furlough	353,065

This money is expended in the education of Indians at reservation and nonreservation boarding schools and a contribution to public schools throughout the various States where Indian pupils attend. There has been a steady increase in the attendance of Indian pupils upon public schools during the past few years. The department reports an attendance upon public schools of 48,834, attendance of Indian pupils at boarding schools, 27,006 and upon mission and private schools 7,520, or a total of 83,410.

Under health work for the Indians the committee allowed the Budget estimate of \$3,302,800, which is \$282,000 below the 1933 appropriation.



The reductions below the current appropriations were made possible by the lower cost of supplies and by a sharp decrease in new construction. I might say here that there is practically no new construction anywhere throughout the entire bill in any of the bureaus.

Mr. MOUSER. Mr. Chairman, will the gentleman yield?

Mr. HASTINGS. I yield.

Mr. MOUSER. Are there any new buildings now under construction as distinguished from new proposals that have not been started?

Mr. HASTINGS. There were some provided for in last year's appropriation bill, but there is no provision for any new building in the present bill. There are one or two little items for repairing waterworks, or something of that kind, where very small amounts are appropriated, but I mean there are no large sums anywhere appropriated for new construction anywhere throughout this bill.

Mr. MOUSER. One more question, if the gentleman will permit, are there any items comparable with the amount required for the power house at Howard University?

Mr. HASTINGS. Oh, no, no; none whatever. The estimate for that item was \$460,000. I do not think there is any item anywhere in this bill for repairs or new construction that will exceed over \$10,000, or \$15,000, and they were only allowed in some two or three instances where the need was most urgent and where it was recommended as absolutely necessary.

Mr. MOUSER. The gentleman is enlightening in his information. I think all of the authorizations for buildings, the construction of which has been heretofore provided for, for Indian schools—and I am glad it has been—have carried appropriations for heat and power the same as is to be provided for the buildings under construction at Howard University.

Mr. HASTINGS. Yes; and there were no appropriations last year in the bill, and there are none this year in this bill that are not recommended by the Bureau of the Budget.

Both last year and this year the committee adhered to the policy of staying within the estimates of the Bureau of the Budget.

Mr. MOUSER. The gentleman does not mean by that that the subcommittee of which he is the chairman, which has to do with the determining of what is essential to be appropriated, can not exercise its discretion, or would not exercise its discretion by including something essential if it was not proposed or included in the bill.

Mr. HASTINGS. If the committee thought an item was absolutely essential and absolutely necessary, of course, the committee could exercise that authority, and it would exercise that authority.

Mr. MOUSER. Yes; certainly.

Mr. HASTINGS. But the gentleman must remember that appeals are made to the committee for new construction for practically every school and other activity throughout the country.

Mr. MOUSER. I am not talking about new construction; I am just talking about those things that are essential—light and heat—in buildings which are already being constructed.

Mr. HASTINGS. And I have tried to answer the gentleman.

Mr. MOUSER. I think the gentleman from Oklahoma has answered.

Mr. MURPHY. Mr. Chairman, I yield five additional minutes to the gentleman from Oklahoma.

Mr. HASTINGS. I do not care to discuss this item further, now; I will discuss it further when it is reached in the bill. But I have tried to explain to the gentleman that this item was withdrawn after further and additional consideration by the Bureau of the Budget. It was quite a sizable item, amounting to \$460,000. The Bureau of the Budget is here in Washington. It has facilities for making detailed investigation of the needs for this heat-and-light plant, and the committee followed the recommendation of the Bureau of the Budget on it.

With reference to the Geological Survey. The amount recommended in the bill was \$1,927,500. The Budget estimate was \$2,384,900. This makes a reduction in the estimate of \$457,400.

For the National Park Service the amount recommended in the bill was \$5,051,850. The Budget estimate was \$5,123,840. This amounts to a reduction in the estimate of \$71,990, or a total reduction under the 1933 appropriation of \$5,588,770.

Mr. BRIGGS. Mr. Chairman, will the gentleman yield?

Mr. HASTINGS. I yield.

Mr. BRIGGS. Can the gentleman inform us how this very material saving was effected? It is a rather conspicuous one, it seems to me.

Mr. HASTINGS. The large reduction under 1933 appropriation for national parks is due to the fact that there was an emergency appropriation of \$3,000,000 for roads and trails made available by the emergency relief and construction act and the reduction of the \$5,000,000 for roads and trails to \$2,435,700.

Mr. BRIGGS. There were nonrecurrent items?

Mr. HASTINGS. Yes; nonrecurrent items. They were not, in part, provided for in this bill. For the Office of Education the bill carries \$270,000, which is \$15,610 under the Budget estimate.

For the Territories the amount recommended in the bill is \$1,360,250. The Budget estimate was \$1,373,280. There was a reduction in the estimate of \$13,030, or a reduction under the 1933 appropriation of \$346,360.

For the St. Elizabeths Hospital the amount recommended in the bill is \$1,116,700. This is under the 1933 appropriation by \$128,953.

For Howard University the amount recommended in the bill is \$632,500. It is the amount that is recommended by the Bureau of the Budget, but is \$42,500 under the appropriation for 1933.

For the Freedman's Hospital the amount recommended is \$276,130, which is the Budget estimate and is \$17,350 below the 1933 appropriation. This reduction is due to deductions on account of the legislative furlough.

As I said a moment ago, there is hardly any new language in the bill, and there are no items in the bill, so far as I now recall, that we believe are subject to a point of order. The language of the bill follows very, very closely the language of the appropriations for the current fiscal year of 1933.

We hope in the reading of the bill under the 5-minute rule fair opportunity may be given to discuss any item that any Member of the House desires. [Applause.]

[Here the gavel fell.]

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent to revise and extend his remarks in the Record. Is there objection?

There was no objection.

The Clerk read as follows:

Salaries: For the Secretary of the Interior, First Assistant Secretary, Assistant Secretary, and other personal services in the District of Columbia, \$372,420: *Provided*, That in expending appropriations or portions of appropriations, contained in this act, for the payment for personal services in the District of Columbia in accordance with the classification act of 1923, as amended, with the exception of the first assistant secretary and the assistant secretary the average of the salaries of the total number of persons under any grade in any bureau, office, or other appropriation unit shall not at any time exceed the average of the compensation rates specified for the grade by such act, as amended: *Provided*, That this restriction shall not apply (1) to grades 1, 2, 3, and 4 of the clerical-mechanical service, or (2) to require the reduction in salary of any person whose compensation was fixed, as of July 1, 1924, in accordance with the rules of section 6 of such act, (3) to require the reduction in salary of any person who is transferred from one position to another position in the same or different grade in the same or a different bureau, office, or other appropriation unit, (4) to prevent the payment of a salary under any grade at a rate higher than the maximum rate of the grade when such higher rate is permitted by the classification act of 1923, as amended, and is specifically authorized by other law, or (5) to reduce the compensation of any person in a grade in which only one position is allocated.



Mr. BLACK. Mr. Chairman, I move to strike out the last word and ask unanimous consent to speak out of order for five minutes.

Mr. HASTINGS. Mr. Chairman, reserving the right to object, I am not going to object at this time; but I hope the gentleman will be content with five minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. BLACK. Mr. Chairman, I was rather interested in the speech of my friend from Georgia [Mr. LANKFORD] proposing a new means of farm relief. Since I have been in the House, I have heard a great many propositions for farm relief. They have had a very wide range—price fixing, internal tariffs, subsidies, market manipulation, government in business, and everything else—all artificial stimulants; but we have had no proposition that created a real market for farm products.

I have been insisting in the House that the real economic sufferer from prohibition is the farmer. I have found it hard to convince the gentlemen from farming sections that this is so. The Ways and Means Committee is reporting a bill on Tuesday which will not only satisfy the entire country on the great question of prohibition, but I believe the farmers are going to be surprised at the great measure of relief that they will get directly from the sale of the beer proposed by the bill.

I commend to the men from the farm sections, before they vote on this proposition on Tuesday, that they look over some of the statistics on the farm question for the years prior to prohibition and the years since. They are going to be rather amazed at the difference at the income of the barley farmer, for instance, prior to prohibition and since prohibition. Another startling distinction that will meet their eyes will be the effect that prohibition has had on the hops farmer.

Mr. ARENTZ. Will the gentleman yield for a question that touches right on that point?

Mr. BLACK. All right.

Mr. ARENTZ. There is no provision in the beer bill to provide for the use of domestically produced farm products; and unless this is done along the seaboard, you are going to have cheap barley and malt and hops coming in from Europe.

Mr. BLACK. I doubt that very much.

Collaterally, the wheat situation was affected by prohibition, because the men who had been growing barley and hops, not being able to produce barley and hops profitably started to produce wheat, thus adding immeasurably to the distress of the wheat farmer.

Another rather odd situation that you will come across is this: The consumption of corn by brewers and distillers prior to prohibition equaled what has been in prohibition years the average exportable surplus of corn that has harried the farmer so much.

Again, the farmer has suffered from the heavy taxes he has had to pay. Prohibition has hit nothing any harder than it has hit the owner of real estate. The farmer's tax is a land tax. The State enforcement tax came from the land. The increased cost of Federal Government because of prohibition and the loss of revenue eventually fell on the land of the country, and fell on the farmer. The farmer was deceived, originally, by the Anti-Saloon League and others, as to the result of prohibition. I do not doubt for a minute that the farmers of the country would have been willing to take the economic loss involved by prohibition if they had received any of the benefits promised, but they did not get them. I think the farmers are realizing the economic harm that has been done them. Some say that the barley used by the brewers was such a small amount that it did not mean anything.

[Here the gavel fell.]

Mr. STAFFORD. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for five additional minutes.

The CHAIRMAN (Mr. VINSON of Kentucky). Is there objection to the request of the gentleman from Wisconsin? There was no objection.

Mr. RICH. Will the gentleman yield?

Mr. BLACK. I yield.

Mr. RICH. I notice in to-day's paper that the Pennsylvania State Grange met in Williamsport, Pa., during the past week and proposed resolutions against the beer bill.

Mr. BLACK. The Pennsylvania State Grange only grows coal. They are coal farmers.

Mr. RICH. Will the gentleman yield?

Mr. BLACK. I can not yield further.

On this proposition I will have to talk on the Republican side, because it is the Republican farmer that has been affected. I can not promise anything to the southern farmers or the cotton farmers unless they insist that the foam on the beer be produced out of cotton. [Laughter.] I will have to do my educational work on the Republican side.

It is true that the brewers used only a small percentage of the barley produced, and those who say this are better grounded in their mathematics than they are in their economics. The brewers used just enough of it to affect the entire price of the barley crop. I think it was in the 1922 report of the Department of Agriculture that there was a small statement to the effect that the premium paid by the brewers had an effect on the entire barley price. I used that on the floor at one time. My good friend the gentleman from Iowa [Mr. HAUGEN], leading the farm bloc, gave me some time one night, and I used that statement on a bill for prohibition change because of my heartfelt interest in the farmer's plight.

Since then there has been nothing said in the reports of the Department of Agriculture about the premium that the brewers would pay the barley farmers.

The Anti-Saloon League was able to edit the reports of the United States Government.

Before prohibition a farmer coming to market with nine cars of grain could sell his nine cars. After prohibition the farmer when he comes to market does not find the brewers and distillers with their fat checks to buy the ninth car. So the dumping price of the unsold car determines the price of the entire product.

I think the farmers are going to learn that when they go to market and meet their friends the brewer and the distiller and exchange their grain for fat checks they will find they were sadly misled during the entire prohibition era.

I hope that you men, friends of the farmer, who have any doubt as to how you will vote on the beer bill will look at the reports of the Department of Agriculture and will come to the conclusion to stand for beer and the farmer. I believe that if the beer bill passes and the President approves of it and it becomes a law, we will not have so much agitation for artificial methods to assist the farmers. [Applause.]

The Clerk read as follows:

#### OFFICE OF SOLICITOR

For personal services in the District of Columbia, \$99,920.

Mr. BYRNS. Mr. Chairman, I move to strike out the last word. I have taken this time to call attention to some figures which I know will be gratifying to Members on both sides of the Chamber, with reference to the appropriations carried in the bill which passed the House on yesterday and the bill now under consideration.

On yesterday we passed a bill making appropriations for the Post Office and Treasury Departments of the United States. The appropriations for the Post Office Department were reduced \$88,906,297 under the appropriations for 1933 as they passed the House and \$7,094,783 under the Budget estimate for 1934.

The appropriations for the Treasury Department reduced the appropriations for 1933, the current law, in the sum of \$105,924,939 and \$25,817,521 under the Budget estimate.

As the gentleman from Oklahoma has informed the committee, the present bill as reported by the committee, carries



reductions under the 1933 appropriation of \$23,990,780 and a reduction under the Budget estimate of \$2,891,025.

In other words, if the House does not increase the pending appropriation bill, these two bills as they leave the House will carry reductions under the 1933 appropriations of \$218,822,016 and a reduction under the Budget estimate of \$35,803,329.

I think that is a splendid record for the House to have made in these two bills.

In this connection I wish to say this respecting the pending bill. I want to compliment the members of the subcommittee for the bill that has been presented and which is now under consideration.

That subcommittee consists of Mr. TAYLOR of Colorado, as chairman; Mr. HASTINGS, of Oklahoma; Mr. GRANFIELD, of Massachusetts; Mr. MURPHY, of Ohio; and Mr. FRENCH, of Idaho. [Applause.] Those gentlemen have done a splendid work and rendered a distinct service to the country. To have reduced the appropriations by over 30 per cent from what they are during the current year is a splendid accomplishment, and I am sure that every one of these five gentlemen who prepared this bill after long hearings is entitled to the gratitude of the House and the taxpayers of the country. [Applause.]

The Clerk read as follows:

#### PRINTING AND BINDING

For printing and binding for the Department of the Interior, including all of its bureaus, offices, institutions, and services in the District of Columbia and elsewhere, except the Alaska Railroad, the Geological Survey, and the Bureau of Reclamation, \$115,000, of which \$35,000 shall be for the National Park Service, and \$20,000 for the Office of Education, no part of which shall be available for correspondence instruction.

Mr. FRENCH. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. FRENCH: Page 5, line 22, after the word "and," strike out "\$20,000" and insert in lieu thereof "\$40,000."

Mr. FRENCH. Mr. Chairman, the amount indicated in my amendment is the amount recommended by the Budget and by the subcommittee to the full committee, for printing in the Bureau of Education. In 1932 the amount appropriated by Congress was \$62,000. Last year, that is, during the present fiscal year, it was \$40,000. We then cut the amount recommended by the Budget from \$62,000 to \$40,000. This year the Budget recommended \$40,000, and your subcommittee recommended that amount to the full committee. The full committee, however, thought that \$20,000 could be saved and recommended \$20,000. In my judgment it would be a serious mistake for us to accept that recommendation. I can indicate very briefly why. One of the greatest services of the Bureau of Education lies in making available to the people of the United States the work that its educators are carrying forward. There is tremendous demand for the studies and reports upon the work that they are doing. These requests have increased 50 per cent within the last five years.

Again, a great many of the publications are sold by the Government Printing Office instead of being distributed free. Last year alone the amount of sales of documents published by the Bureau of Education amounted to \$25,000, or \$5,000 more than it has been proposed be included for printing in this bill for the coming fiscal year. It would be a serious mistake, it would be a disappointment to those who are interested in this subject throughout the United States, for this House to agree to the recommendations of the full committee.

May I direct attention to one other thought? Last year 250,000 requests by letter came to the Bureau of Education for publications. The postage alone upon requests was \$5,000. Similar requests this year at the 3-cent rate would mean \$7,500. The amount of money is not particular, but the interest manifested by these requests is important. I do not believe there is a member of the subcommittee who does not feel that the item should be restored.

Mr. COCHRAN of Missouri. Mr. Chairman, will the gentleman yield?

Mr. FRENCH. Yes.

Mr. COCHRAN of Missouri. Are not the States of the Union carrying on through their departments of education work similar to that being done by the Bureau of Education here?

Mr. FRENCH. In part that is true. Their work is more local, more limited. The Bureau of Education is a sort of clearing house in a sense, and it articulates with the work being done in the several States.

Mr. COCHRAN of Missouri. Is it not true that in some instances the teachers will have almost every pupil in the school write to Washington for some publication when they know that they can get it for nothing?

Mr. FRENCH. I am not acquainted with that feature of the matter.

Mr. COCHRAN of Missouri. I am going on, now, my twenty-first year around here working and handling correspondence in the Senate and in the House and serving in the last four Congresses, and I can truthfully say, coming from a great State—Missouri—that I have not handled a dozen applications for any publication issued by the Bureau of Education. Our entire trouble is the duplication of work by the Federal Government that properly belongs to the States, and if we let the States carry on as they should and stop taxing the people of the States for Federal agencies to do work that has no business in the Federal Government we will be able to reduce the expenditures of the Federal Government.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Idaho.

Mr. STAFFORD. Mr. Chairman, I ask recognition if no member of the committee wishes to defend the action of the general committee in cutting down the appropriation of the subcommittee from \$40,000 to \$20,000. I see on the floor the hardest working Member of the House, the chairman of the Committee on Appropriations. I do not desire to put him to any extra work, but I do suggest that the acting chairman of the subcommittee should give to the House the reason why the general committee overrode the action of the subcommittee. It is a rather exceptional thing, and when there are such exceptional happenings I think there should be some explanation of it. I think the general committee is put on the spot, so to speak, to give some explanation of their reason for cutting down the appropriation recommended by the subcommittee from \$40,000 to \$20,000.

Mr. BYRNS. In explanation of my silence, may I say the subcommittee recommended to the full committee the sum of \$40,000, as explained by the gentleman from Idaho [Mr. FRENCH]. A motion was made in the full committee to reduce it, and it was cut in half. As I understand—and if I am in error about that I am subject to correction—it is the judgment of the entire membership of the subcommittee which conducted these hearings that \$40,000 is necessary for the printing and binding of the Bureau of Education, and if that be true, and I am willing to take their judgment, of course, I did not feel like having anything to say on the subject, even though the full committee cut it from \$40,000 to \$20,000. The gentleman knows that the five gentlemen who have considered this bill for so many days and weeks naturally are more familiar with the amount that was needed for this particular service than those of us who had not had that opportunity.

Mr. STAFFORD. But it is rather difficult for me to understand, if the members of the full committee were in their normal condition—and I would not for a moment insinuate that they were not—why they would override the superior judgment of the members of the subcommittee. I do not wish my overworked friend, the chairman of the full committee, to disclose committee secrets, but may I inquire whether there are any other instances where the full committee overrode the determination as to appropriations recommended by the subcommittee?

Mr. BYRNS. Not that I know of.



Mr. STAFFORD. This is the only instance where they are reversed for the time being.

Mr. BYRNS. Yes.

Mr. STAFFORD. Just merely a temporary reversal, and then come to the floor of the House and after a gesture to testify to this committee and the country that the full Committee on Appropriations was in error, and that we should stand by the subcommittee.

Mr. HASTINGS. If the gentleman will yield for a moment—

Mr. STAFFORD. Yes; I yield.

Mr. HASTINGS. The reason I did not say anything additional was that it had been fully presented by the gentleman from Idaho. It was the judgment of the membership of the subcommittee that this was needed. It was recommended most urgently. It was impressed upon the members of the subcommittee by the Commissioner of Education that it was urgently needed.

I do not care to discuss the action in the committee and give away any of the proceedings in the committee, but we do not believe opportunity was given to fully present all of the facts to the full committee that have been presented so well by the gentleman from Idaho [Mr. FRENCH]. It has been shown that there have been about \$25,000 worth of these publications sold last year. I do not believe that was brought to the attention of the full committee.

I may say to the gentleman from Wisconsin [Mr. STAFFORD] that it is the view of the members of the subcommittee that this amount is needed and should be appropriated.

Mr. STAFFORD. I wish to say, Mr. Chairman, in my time, that I see there are other items where the full committee could exercise more intelligently and more properly their legislative wisdom. If they had attempted to strike out the continuing appropriation of a million dollars or more for the continuation of the construction of the reclamation project that bears the unforgettable name of Owyhee they would have done the country great good.

[Here the gavel fell.]

(By unanimous consent Mr. STAFFORD was granted three additional minutes.)

Mr. STAFFORD. Last year we launched upon the construction of that project at Owyhee with only 10 per cent of the work inaugurated by the appropriation of more than a million dollars. If the full membership of the committee had been asked about some real instance where there could have been a real saving of money, that is one case. To take it out of the poor helpless Bureau of Education to the extent of only \$20,000, I feel the committee deserves to have the official censure of the House by having its action reversed. I will support the action of the diligent subcommittee in restoring the amount to \$40,000.

Mr. BARTON. Will the gentleman yield?

Mr. STAFFORD. I yield.

Mr. BARTON. I want to ask the author of this amendment a question. As I read the section, the \$20,000 is simply to earmark a part of the \$115,000, but does not increase the appropriation at all?

Mr. FRENCH. I understand it will increase the appropriation, because I recall that when it was subtracted in the full committee it was subtracted from the total. If it would be necessary any place else to increase it, I will do that.

Mr. BARTON. I think if you want to increase that, the amendment should be made to cover the \$115,000 and raise it to \$135,000, and then raise this to \$40,000. I think if the gentleman will read the section he will find that is true.

Mr. FRENCH. I shall follow that with the proper amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Idaho.

The question was taken; and on a division (demanded by Mr. COCHRAN of Missouri) there were ayes 22, and noes 11. So the amendment was agreed to.

Mr. FRENCH. Mr. Chairman, I offer a further amendment.

The Clerk read as follows:

Amendment offered by Mr. FRENCH: In line 21, page 5, strike out "\$115,000" and insert in lieu thereof "\$135,000."

The amendment was agreed to.

The Clerk read as follows:

Surveying public lands: For surveys and resurveys of public lands, examination of surveys heretofore made and reported to be defective or fraudulent, inspecting mineral deposits, coal fields, and timber districts, making fragmentary surveys, and such other surveys or examinations as may be required for identification of lands for purposes of evidence in any suit or proceeding in behalf of the United States, under the supervision of the Commissioner of the General Land Office and direction of the Secretary of the Interior, \$500,000, including not to exceed \$5,000 for the purchase, exchange operation, and maintenance of motor-propelled passenger-carrying vehicles: *Provided*, That not to exceed \$5,000 of this appropriation may be expended for salaries of employees of the field surveying service temporarily detailed to the General Land Office: *Provided further*, That not to exceed \$10,000 of this appropriation may be used for the survey, classification, and sale of the lands and timber of the so-called Oregon & California Railroad lands and the Coos Bay Wagon Road lands: *Provided further*, That no part of this appropriation shall be available for surveys or resurveys of public lands in any State which, under the act of August 18, 1894 (U. S. C., title 43, sec. 863), advances money to the United States for such purposes for expenditure during the fiscal year 1934: *Provided further*, That this appropriation may be expended for surveys made under the supervision of the Commissioner of the General Land Office, but when expended for surveys that would not otherwise be chargeable hereto it shall be reimbursed from the applicable appropriation, fund, or special deposit.

Mr. HOGG of Indiana. Mr. Chairman, I offer an amendment, which I send to the desk.

The Clerk read as follows:

Amendment by Mr. Hogg of Indiana: Page 7, line 12, after the word "Interior," strike out "\$500,000" and insert in lieu thereof "\$375,000."

Mr. HOGG of Indiana. Mr. Chairman, I want to supplement the statement of the distinguished chairman of the Committee on Appropriations, who spoke just briefly a few moments ago. He neglected to point out that the material part of the decrease in the present Interior Department appropriation bill over that of last year is not due to current savings in the operating expenses of this department, but is due, in large measure, to the fact that \$15,000,000 less is given to the Boulder Dam project than was appropriated last year.

The actual saving in Government operation under this bill is not \$24,000,000 but \$9,000,000. This very bill carries in it an increase in appropriations for the Reclamation Service, amounting to the stupendous sum of \$566,000, or over half a million dollars.

Mr. Chairman, it is time the representatives of the American people, in the House assembled, should take seriously the promises which we made to our constituents in campaign times. We assured our constituents that we would leave nothing undone to decrease the operating expenses of this Government. One of the major parties asserted that it would decrease expenditures by 25 per cent. And now, instead of decreasing the appropriations 25 per cent it has not decreased them in this department half that amount.

In regard to this item, there is no decrease whatever over last year. I will not argue with my able friends from the Western States that this money will not be wisely used. I will argue with them that the need of the taxpayer for this money is far greater than the need for the surveys that will be made. A half million dollars is a stupendous sum for taxpayers. I am not pleading that these surveys may never be made. I am pleading that we keep faith with the taxpayers of the United States. I would reduce this item and every other one wherever it is possible to do so. I ask the cooperation of the membership of this House in this reduction.

It is foolishness to bring more land under cultivation when farmers everywhere are suffering from the effects of overproduction of farm crops. I opposed the Boulder Dam project. It will eventually bring much land into cultivation before such is needed for our Nation. Farmers in Indiana can not pay interest and taxes. The Government



must not take money from taxpayers to underwrite and promote more competition to the American farmer. I ask your support for the pending amendment. [Applause.]

Mr. HASTINGS. Mr. Chairman, I am sure every member of the subcommittee and the full committee and all the Members of the House are in favor of every reduction that can be made with safety.

Now, if you will notice, for the last few years, beginning in 1927, the appropriations under this item have been less and less. In 1927 the appropriation under this item was \$810,000. In 1931 it was \$700,000. In 1932 it was \$700,000. For the current year, 1933, \$500,000 was provided, but there was diverted from other funds \$75,000 additional. So there will be expended this year under this item \$575,000.

The Budget estimated \$544,090, and the subcommittee reduced that in line with the splendid argument of the gentleman from Indiana [Mr. Hogg] by \$44,090. So we cut it back to the amount that we appropriated last year, which is \$500,000. Thus it is really a reduction of \$75,000 less than will be used this year, which we thought could be absorbed without injury to the service.

Mr. COCHRAN of Missouri. Mr. Chairman, will the gentleman yield?

Mr. HASTINGS. I yield.

Mr. COCHRAN of Missouri. What excuse do those administering this law give the committee for using this additional \$75,000 when Congress told them to stay within the limit of \$500,000?

Mr. HASTINGS. It is because the transfer provision in the economy act authorized it. They justify it under that act. They say it was absolutely needed and pointed to the fact that the year before they had \$700,000 and the year before that they had \$700,000. They said it was too severe to cut them down \$200,000 and reduce this item to \$500,000. They availed themselves of the provisions of the economy act by taking \$75,000 from the appropriation for roads and trails in national parks and adding it to the \$500,000, so they will have \$575,000 for this purpose.

Mr. COCHRAN of Missouri. In other words, this is work performed by engineers—civil engineers?

Mr. HASTINGS. I think largely so.

Mr. COCHRAN of Missouri. There seems to be a disposition on the part of the Interior Department to get all the civil engineers at work possible, and for that reason the \$75,000 was added to pay the salaries of civil engineers they wanted to keep on the pay roll. Has this been looked into?

Mr. HASTINGS. It was done with the approval of the Bureau of the Budget. As I said a moment ago, the committee desires economy in every way possible, and we did cut the estimate back to \$500,000, cutting them \$44,000 under the estimate of the Budget and \$75,000 under the amount that is being used this year.

Mr. HOGG of Indiana. A large part of this land has been surveyed six or seven times already, has it not?

Mr. HASTINGS. I can not advise the gentleman as to that.

Mr. COLTON. Mr. Chairman, will the gentleman yield?

Mr. HASTINGS. I yield.

Mr. COLTON. In reply to the question of the gentleman from Missouri [Mr. COCHRAN], only a part of this work is performed by engineers. There are rodmen and other employees. This item incidentally furnishes, of course, employment for a great many men, but the very fact that this transfer was made shows the importance of this work in the minds of those who are administering the affairs of the Interior Department.

You would greatly retard the development of the entire West if you stop the survey of the public lands. Mineral and homestead entries and every other form of development of public lands is dependent upon this identical work. There is no work in the Interior Department of more importance than this.

Mr. COCHRAN of Missouri. Will the gentleman from Oklahoma permit an additional question?

Mr. HASTINGS. I yield to the gentleman from Missouri.

Mr. COCHRAN of Missouri. I notice this money is not only for surveys but for resurveys. Who is responsible for the defective and fraudulent surveys that have already been made which this appropriation in part is to correct?

Mr. COLTON. There are some of them that are not fraudulent. Some are due to mistakes.

Mr. COCHRAN of Missouri. I am taking the language from the appropriation bill, which specifically states fraudulent.

Mr. COLTON. I think there is very little of that now.

[Here the gavel fell.]

Mr. GOSS. Mr. Chairman, I rise in opposition to the amendment.

I want to call the gentleman's attention in this report to the item carried over in the permanent and indefinite appropriations on page 30 of the report where there is an item of \$20,000 for deposits by individuals for surveying public lands. Can the gentleman explain what that fund is? Is that in addition to the half million?

Mr. HASTINGS. There is nothing carried in this bill for that. This is on page 30, a provision of permanent law.

Mr. GOSS. I see there is an item of \$20,000 this year. It was \$28,000 last year, under the permanent and indefinite appropriations, of deposits of individuals for surveying public lands.

Now, right in this same paragraph, not pertaining to this amendment, I notice there is another item, not to exceed \$10,000, for surveying the Coos Bay Wagon Road lands, and again, on page 30, I call the gentleman's attention to an item of \$18,000 this year, and \$10,000 last year, for the Coos Bay Wagon Road grant fund.

Now, it seems to me that in one instance we have half a million for surveys, on top of that another \$20,000 for deposits of individuals for surveys, the \$10,000 on the Coos Bay Wagon Road grant, and then another one of \$18,000, which is an increase of \$8,000 over last year.

Mr. ARENTZ. Will the gentleman yield?

Mr. GOSS. I yield.

Mr. ARENTZ. I do not believe there is any deposit made by any individual for the survey of public lands, per se; but if an application is made for patent of a mineral entry, the individual can not proceed before he makes application for the patent accompanied by the necessary payment to cover cost of survey, map, and field notes, as well as the cost of the land at \$5 per acre.

This \$20,000 item, undoubtedly, is to cover the cost of applications for survey of mineral lands. For instance, take the Coos Bay Wagon Road, the Public Lands Committee of the House has had legislation before it for many years covering the timber lands in that case. There are frauds involved in that transaction and we have got to survey that land to determine accurately the condition of it. The gentleman knows all about the Government lands and railroad lands throughout Oregon and Washington, because the gentleman has lived up there and he knows it is necessary to bring back some of that land into Government ownership and that it will be necessary to resurvey it.

Mr. GOSS. Do these frauds have anything to do with the timber rights under the bill that we will have up Monday when the Consent Calendar is called or are they confined to Coos Bay?

Mr. ARENTZ. No; they are not involved in those bills, because the Public Lands Committee does not appropriate money. We only bring forward legislation without providing any funds.

Mr. GOSS. Why is there an increase of \$8,000 this year over last year in the permanent appropriation?

Mr. ARENTZ. I can not answer that.

Mr. GOSS. Can the chairman of the committee answer that question?

Mr. HASTINGS. To be frank with the gentleman, I am not familiar with that matter. I do not think any inquiry was made with respect to that in the committee. These indefinite and permanent appropriations are simply put in here for the information of the House.



Mr. GOSS. You have another appropriation of \$10,000 on top of this for Coos Bay.

Mr. HASTINGS. Inasmuch as these are permanent appropriations, they are not contained in the bill and are simply put in the report for the information of the House.

Mr. GOSS. So, really, when we consider this Department of the Interior bill, to the amount of \$43,000,000 for 1934, we have to add the \$12,000,000 in the permanent and indefinite appropriations for the total appropriation?

Mr. HASTINGS. That is correct.

Mr. GOSS. In reading over these permanent and indefinite appropriations it seems to me that some of those items are carried in the bill, perhaps, for other purposes, and it seems as though there might be a duplication of appropriation, and that is why I am asking these questions. Has the gentleman any information with respect to these other items?

Mr. HASTINGS. My information is that there are no duplications.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word.

Coming from a State where all the public lands have been surveyed I do not wish to take a sectional view in passing upon this appropriation just because the appropriation is applicable to the Western States.

The hearings show there are considerable public lands in the Western States still to be surveyed. I was impressed by the statement of the ranking Republican member of the Public Lands Committee [Mr. Colton], that this appropriation is very vital in the development of the West. The statement incorporated in the hearings by Mr. Havell, of the General Land Office, confirms the fact there is need for this appropriation.

I generally follow my energetic friend, the gentleman from Indiana [Mr. Hogg], in his proposals to cut down appropriations. While I am in sympathy with the general purpose, I do not wish to do any violence, on the spur of the moment, and cut down by 25 per cent the appropriation because the Democratic Party, as a platform effervescence, has declared it is in favor of a 25 per cent reduction in Government expenditures. This position was riddled and ridiculed as well, at least to my satisfaction, by the present President in his Detroit speech when he said that to cut down the total appropriations \$1,000,000,000, as was proposed by Governor Roosevelt, was something that could not be done—that it was not possible.

Mr. MAY. Will the gentleman yield for a question?

Mr. STAFFORD. Yes.

Mr. MAY. I take it my friend from Wisconsin is standing on that Democratic platform, so far as that declaration of economy is concerned?

Mr. STAFFORD. So far as it is attainable within reason; and I am here to support the committee in every practical way. But the President elect did not take the position that he was going to close the Government of the United States in his attempt to cut down the total appropriations from \$4,000,000,000 to \$3,000,000,000. President Hoover showed in his Detroit speech that this would be necessary, and showed how ridiculous was the contention of Governor Roosevelt, and that he did not know his onions when he proposed to cut down the appropriations from \$4,000,000,000 to \$3,000,000,000; and I do not believe the gentleman from Kentucky [Mr. May], if he knows anything about the mechanics of appropriations, would stand on the floor as a representative of this Government and say it is feasible or possible to cut down the appropriations \$1,000,000,000 without doing violence to the workings of the Government. It was merely a campaign utterance, merely a campaign effulgence of the moment to get votes, and I suppose he got votes as a result of it.

Mr. MAY. I quite agree with the gentleman that we sometimes are guilty of being penny-wise and pound-foolish, and that men sometimes in making political speeches for the purpose of getting votes miscalculate their capacity to economize in Government affairs; but does not the gentleman think that with the number of bureaus and depart-

ments and extra commissions that have been created in the last four or five years it would not be a difficult thing to save one-half billion dollars and efficiently administer the Government?

Mr. STAFFORD. No; not merely by eliminating needless bureaus. The New York Times, after the President elect made this indefensible statement, took him to task for uttering something that was obviously impossible of accomplishment.

[Here the gavel fell.]

Mr. STAFFORD. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. STAFFORD. And I think from that time forth the mouth of the President elect on this item was hermetically sealed. He had nothing further to say, because it was indefensible and he knew it. [Laughter.] Some person had misled him into a morass, and he was wise in not repeating it, because there is no candidate for high office who can stand long by making indefensible statements.

I would like now to come to the issue before the House. [Laughter.]

A brief study of the hearings rather confirms me in the opinion that a cut of from \$500,000 to \$375,000 would be drastic. The statement shows the need of additional appropriations, perhaps, amounting to \$100,000 by reason of the Boulder Dam project. It shows the need of continuing the work in nonagricultural mineral lands. Perhaps by a cut of \$50,000 we might not do violence; but a cut of \$125,000, when last year we appropriated \$544,000 for this purpose, would be out of keeping.

There is a table which may be interesting to Members showing the amount of land surveyed by years dating back to 1926, showing the amount of public lands surveyed in the public-land States. I am of the opinion that if we cut this radically, it will be an injustice to the public-land States; that this is a necessary expenditure. I do not believe the subcommittee that had the matter in charge went into this at any length. There are millions of acres in the Western States yet to be surveyed, and we should continue it on the solemn declaration of the ranking Republican member of the Public Lands Committee that this would cut the very vitals out of the development of the Western States. I am willing to follow his judgment in that regard. [Applause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana.

The question was taken, and the amendment was rejected.

Mr. GOSS. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 7, line 17, strike out all of lines 18 to 21, inclusive.

Mr. GOSS. Mr. Chairman, a moment ago I questioned members of the subcommittee on this item, and none of them seemed to have any information, and frankly said so. In the permanent and indefinite appropriations contained on page 30 of the report you will find an item "Coos Bay wagon road grant fund, \$18,000," for the estimated expenditures for 1934. In 1933 there was \$10,000 appropriated, and in addition to that permanent appropriation made they are carrying another item of \$10,000, or not to exceed \$10,000.

In one part of the bill they offer to limit the amount, and in the permanent appropriation they increase it \$8,000 over last year. I move to strike that out.

I have talked with members of the committee, and I am not able to get any information in regard to it, and I therefore move to strike it out.

Mr. STAFFORD. The gentleman has a very vivid memory. He will recall that the gentleman from South Carolina was taken aback when he moved to strike out the limit of an appropriation similar to this. If you strike out the limitation, there would be no limit to the amount that could be expended by the department.

Mr. GOSS. By striking out the whole thing I agree with the gentleman, but on the part I suggest to strike out I do not agree with him.

Mr. FRENCH. I think I can explain the item. The bill carries money for meeting the amount of tax that for years had been levied on the Coos Bay Wagon Road grant lands. Many years ago the Coos Bay Wagon Road project, as well as railroad projects, was aided by the Federal Government through the gift of lands under certain conditions, one of which was that the lands should be sold at not more than a certain price. The recipients of some of these grants violated the terms of the grant, and suit was instituted by the Government for their recovery. These suits were successful, and the Government recovered a large amount of the land.

In the meantime, however, counties in which the lands were located had acted upon the assumption that the lands were private lands. Counties were bonded, and these lands in common with other privately owned property were responsible through taxation for interest and for sinking fund. But when cancellation occurred, at once these lands were swept from the tax rolls. Counties were defaulting in their bonds and interest in obligations that had been incurred in good faith. To meet the situation, a few years ago the Congress passed an act providing that certain proceeds from these lands should be paid in lieu of taxes and should go to these counties until the lands should again pass to private ownership.

Mr. GOSS. Is that in the permanent appropriation the gentleman is speaking of now, or in the bill? There are two items.

Mr. HASTINGS. That is the permanent appropriation.

Mr. FRENCH. Yes.

Mr. GOSS. That the gentleman is referring to?

Mr. FRENCH. Yes.

Mr. GOSS. Can the gentleman tell the House why that permanent appropriation was increased by \$8,000 over last year?

Mr. FRENCH. Yes. That is because during the last year there had been a very slow sale of timber. For instance, in the same State, over in the Klamath Indian Reservation, the sales a few years ago would run as high as a million or more dollars per year of timber. Last year it fell down to a small fraction of that amount, and so here there has been a falling off in the sale of timber, and naturally the amount of money necessary to meet the money due in lieu of taxes has to be increased to the extent of \$8,000. The county receives not more than 25 per cent of the amount of sales.

Mr. GOSS. In other words, the Government is appropriating this money in lieu of taxes on the Coos Bay Wagon Road lands?

Mr. FRENCH. Yes.

Mr. GOSS. So that the Federal Government is spending money for that purpose?

Mr. FRENCH. That is right, and it has been drawn into it on the basis of a county having been built up upon the theory that these lands were in private ownership.

Mr. HASTINGS. Mr. Chairman, will the gentleman yield?

Mr. FRENCH. Yes.

Mr. HASTINGS. I call attention to the middle of page 241 of the hearings. The items contained in the bill are for the surveys of these lands.

Mr. GOSS. What does it mean by the language "for the survey, classification, and sale of lands and timber," and so forth?

Mr. HASTINGS. The hearings disclose. It is for the survey, classification, and sale of lands and timber of the Oregon & California Railroad lands and the Coos Bay Wagon Road lands, and so forth. It is for the survey of these particular lands that are designated by those names.

Mr. GOSS. In other words, we are appropriating not to exceed \$10,000 for those surveys of the Coos Bay lands in one instance in the permanent appropriation, and the Government is appropriating to pay up the default of the Coos Bay County lands.

Mr. HASTINGS. That is under the general permanent law, and this is for surveys.

Mr. GOSS. It seems to me a ridiculous situation.

Mr. FRENCH. But as the lands pass into private ownership the lands become liable for their share of the taxes and will necessarily relieve the Government. These lands will pass into private ownership sooner or later, and the Government will be relieved of the burden.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Connecticut.

The amendment was rejected.

The Clerk read as follows:

Registers: For salaries and commissions of registers of district land offices, \$68,750.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word to inquire of the gentleman having the bill in charge whether the committee followed the recommendation of the department in discontinuing some of the land offices now existing.

Mr. HASTINGS. Yes. We cut down the appropriation, and it means the discontinuance of four offices; and those four offices, as I think I stated in some remarks on the floor, are at Little Rock, where the receipts were \$3,086.51 and the expenses \$5,414.58, or 175 per cent of the receipts; at Gainesville, Fla., where the receipts were \$3,681.55 and the expenses \$3,468.55, or 94 per cent of the receipts; at Cass Lake, where the receipts were \$1,361.90 and the expenses \$2,174.40, or 159 per cent of the receipts; and at Alliance, Nebr., where the receipts were \$1,532.42 and the expenses \$3,415.34, or 222 per cent of the receipts.

Mr. STAFFORD. With the appropriations carried in this bill how many offices will be continued in the service?

Mr. HASTINGS. All of the remainder except four will be continued in the service.

Mr. STAFFORD. Can the gentleman furnish the committee with the number and whether there are any other instances where there are such glaring disproportions between the receipts and the outgo?

Mr. HASTINGS. None was called to our attention.

Mr. STAFFORD. Is this merely a piecemeal elimination, or are there many other instances where conditions justify the elimination?

Mr. HASTINGS. It looks as though the others are justified.

Mr. STAFFORD. And the work of these four under the proposed plan of the department will be carried on by some other existing office?

Mr. HASTINGS. Yes; or through the General Land Office at Washington. There are 29 at the present time, and with these four eliminated that leaves 25.

Mr. STAFFORD. Would the gentleman have any objection to an amendment providing that when the expenses are in excess of the receipts the department should discontinue them?

Mr. HASTINGS. I have no authority to accept such an amendment, because the committee has not studied it and does not know what the effect of such an amendment would be. There may be some reason why they ought not to be discontinued.

Mr. FRENCH. The Secretary has authority now to discontinue land offices when the receipts in relation to expenditures reach a certain amount.

For instance, I do not think that as to those we are proposing to discontinue, we are required by law to do it. We are forcing them out, just as the gentleman will recall some 8 or 10 years ago, when we had something like ninety-odd land offices and many of them could have been discontinued, we forced the discontinuance of many of them by refusing appropriations. That is what we are doing here.

Mr. STAFFORD. Will the gentleman give the committee the benefit of his knowledge of the situation as to whether in his opinion any of these 29 should be discontinued because of the disparity of receipts with expenditures?

Mr. FRENCH. Yes. We thought that these were the worst cases. They were the worst cases, and those are the ones that we recommended discontinuing.



Mr. STAFFORD. But answering my question further, is the gentleman of the opinion that there are others of the remaining 29 that should be discontinued because of the little work that is being done in those offices?

Mr. FRENCH. Not at this moment, no; but I do think that as we step along we are going to discontinue many of them, and oftentimes it is a question of area and a question of convenience to the land office with respect to the amount of business transacted, and there is no question in my mind that in another year we may want to cut off some more, and the succeeding year still more. We have not opened any new office the last 8 to 10 years.

Mr. ARENTZ. Will the gentleman yield?

Mr. FRENCH. I yield.

Mr. ARENTZ. It is rather a coincidence that these four offices are in districts where there is very little public land.

Mr. FRENCH. That is true.

Mr. ARENTZ. And where other offices are located in areas where there is little public land, they will be clipped off.

The CHAIRMAN. The time of the gentleman has expired.

Mr. EATON of Colorado. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended, as I want to ask him some questions.

The CHAIRMAN. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. EATON of Colorado. Will the gentleman answer why these four land offices, where the expenses are 100 to 250 per cent of the receipts, have not been discontinued this year or are not discontinued now?

Mr. HASTINGS. I do not know why they have not been discontinued. They have not been.

Mr. EATON of Colorado. Is there any movement on foot to stop them now?

Mr. HASTINGS. This will stop them because there is no appropriation made for them after the 1st of July next.

Mr. EATON of Colorado. As I understand it, the receivers get \$1,000 each. If there is no business, they get the \$1,000; but in the appropriation for the period that is now running, there is an appropriation for carrying these four offices over this whole year. Is that the only reason they are maintained?

Mr. HASTINGS. Oh, yes. The appropriation for the current year is \$80,000. We have cut it down to \$68,750.

Mr. EATON of Colorado. But in the next paragraph, lines 15 and 16, there is a provision that in this \$150,000 expenditure a part of it may be used in the opening of new land offices and reservations. Is there any breakdown to show what new land offices are contemplated to be opened or new reservations?

Mr. HASTINGS. I agree with the gentleman that I think that could be eliminated. I do not know that there is any necessity for opening new land offices. That has been carried in the bill from year to year, because it gives the department authority to do that if they find need for it. There may be need for it. I do not know; but I do not believe there would be any need for it during the coming year.

Mr. EATON of Colorado. Would the gentleman consent to an amendment striking that out?

Mr. COLTON. Will the gentleman yield?

Mr. EATON of Colorado. I yield.

Mr. COLTON. This has been carried heretofore, as I understand, because often there have been Indian reservations opened to settlement; and sometimes it has become necessary to open a new land office for the time being, to administer those lands. I do not think any harm has followed by reason of carrying this in the bill. There may not be any demand for the money.

Mr. HASTINGS. There will be no saving, because there is no money appropriated for it.

Mr. COCHRAN of Missouri. I have an amendment waiting on the Clerk's desk to strike out that language; and I propose to press it, in view of what has been said about land offices being operated where the expenses are in excess of the revenues of the land office.

Mr. EATON of Colorado. That has been the subject of this debate, and I wanted an explanation about these new land offices. I am simply trying to get some information in regard to it, to see what the policy of the department is, or what information the committee has.

Mr. FRENCH. May I say that I know of no new land office that has been opened for years. I think possibly in one case a few years ago when we were closing several offices, the one at the capital of a State—and I do not remember what State it was now—was either revived or opened after having been closed a few years; but, generally speaking, no land office has been opened for years.

Mr. EATON of Colorado. I was rather in hopes that they would reopen the land office at Vernal, Utah, and Glenwood Springs, Colo.

They are not in my district. The one in Glenwood Springs is in the district represented by the chairman of the subcommittee, Mr. TAYLOR of Colorado. The other is in the district represented by the gentleman from Utah, Mr. COLTON.

Mr. FRENCH. The members of the committee are sorry they could not see their way clear to accommodate the gentleman with such recommendations. We have not thought that those land offices should be reopened.

The pro forma amendment was withdrawn.

The Clerk read as follows:

Contingent expenses of land offices: For clerk hire, rent, and other incidental expenses of the district land offices, including the expenses of depositing public money; traveling expenses of clerks detailed to examine the books and management of district land offices and to assist in the operation of said offices and in the opening of new land offices and reservations, and for traveling expenses of clerks transferred in the interest of the public service from one district land office to another, \$150,000: *Provided*, That no expenses chargeable to the Government shall be incurred by registers in the conduct of local land offices except upon previous specific authorization by the Commissioner of the General Land Office.

Mr. COCHRAN of Missouri. Mr. Chairman, I offer an amendment, which is at the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. COCHRAN of Missouri: Page 8, line 15, after the word "offices," strike out the language down to and including the word "reservations" on line 16.

Mr. COCHRAN of Missouri. Mr. Chairman, in view of the discussion during the last 10 or 15 minutes I think the amendment is sound. If we are going to discontinue land offices, why leave it for the Secretary of the Interior to open additional land offices?

It may be that the new Secretary of the Interior will not be so well versed upon this proposition, and he will agree to the appeal of some Senator or some Representative to open an additional land office.

Mr. HASTINGS. Will the gentleman yield?

Mr. COCHRAN of Missouri. I yield.

Mr. HASTINGS. As far as I am concerned, I am perfectly willing to accept the amendment.

Mr. COCHRAN of Missouri. If it is agreeable to the committee to accept the amendment, I will say nothing further.

Mr. ARENTZ. Mr. Chairman, will the gentleman yield?

Mr. COCHRAN of Missouri. I yield.

Mr. ARENTZ. The gentleman from Missouri spoke about the new Secretary possibly not being familiar with this. I may say that, regardless of who is Secretary, the chief clerk and the men who will carry on the policy of the Reclamation Service and the General Land Office will go on forever.

Mr. COCHRAN of Missouri. I may say to the gentleman in reply that the Democratic Party hopes to make a change in that kind of administration during the next four years. We have had enough of it to do for a century.

Mr. ARENTZ. I am willing to wager now that you can not cut into the civil service with a battle ax.

Mr. COCHRAN of Missouri. Changes will be made that might surprise the gentleman from Nevada.

Mr. ARENTZ. It will not make a particle of difference.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri [Mr. COCHRAN].

The amendment was agreed to.

Mr. COLTON. Mr. Chairman, I notice the word "offices" appears twice in line 15. After which one does the amendment apply?

Mr. COCHRAN of Missouri. It applies after the third word, "said offices." Strike out the words "and in the opening of new land offices and reservations."

Mr. STAFFORD. Mr. Chairman, may we have the amendment again reported?

The CHAIRMAN. That is the way the amendment has been construed. The Clerk will again report the amendment.

The Clerk read the amendment, as follows:

Where the word "offices" occurs the first time in the line, strike out down to and including the word "reservations" in line 16.

The Clerk read as follows:

Depredations on public timber, protecting public lands, and settlement of claims for swamp land and swamp-land indemnity: For protecting timber on the public lands, and for the more efficient execution of the law and rules relating to the cutting thereof; protecting public lands from illegal and fraudulent entry or appropriation, adjusting claims for swamp lands and indemnity for swamp lands; and traveling expenses of agents and others employed hereunder, \$400,000, including not exceeding \$30,000 for the purchase, exchange, operation, and maintenance of motor-propelled passenger-carrying vehicles and motor boats for the use of agents and others employed in the field service and including \$60,000 for prevention and fighting of forest and other fires on the public lands, to be available for this and no other purpose, and to be expended under the direction of the commissioner.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I am curious to obtain information as to the amount of the burden upon the National Government by reason of extending more and more the forest reserve limits and placing them under the domain and care of the National Government. This morning we had a very illuminating address by the gentleman from Montana [Mr. LEAVITT] in which he sought to justify the policy of taking lands outside of our forest reserves and including them in these reserves.

The query has arisen in my mind as to whether there is any great burden imposed upon the National Government, for instance, in the matter of fire protection, a burden lifted from the State governments? Can the gentleman give us a statement as to what the appropriations for this service as carried in paragraph 5 of the bill have been for the past several years, to see whether it has been increasing or decreasing?

Mr. HASTINGS. The amount in this paragraph for the past several years has been:

For 1931, \$450,000.

For 1932, \$485,000.

For 1933, it was \$400,000, but there was diverted another \$60,000. So that for the current year there will be used \$460,000.

The committee cut it down to \$400,000. That is the recommendation in the bill.

Mr. STAFFORD. Will the gentleman give the committee his opinion as to whether the burden increases upon the National Government for fire protection when we continue to increase the acreage by taking in larger and larger private areas?

Mr. HASTINGS. There has not been very much increase in this bill.

Mr. FRENCH. Mr. Chairman, may I say that this committee would not have charge of inquiries into expenditures touching lands that are included in national forests. Forestry administration is under the jurisdiction of the Department of Agriculture. The Interior Department subcommittee has not had the opportunity of going into the matter.

Mr. STAFFORD. Mr. Chairman, as the distinguished gentleman who has given this subject very close attention is without the information, I must, necessarily, withdraw the pro forma amendment.

The Clerk read as follows:

For lease, purchase, repair, and improvement of agency buildings, exclusive of hospital buildings, including the purchase of

necessary lands and the installation, repair, and improvement of heating, lighting, power, and sewerage and water systems in connection therewith, \$164,260; for construction of physical improvements, exclusive of hospitals, \$55,000; in all, \$219,260: *Provided*, That not more than \$7,500 shall be expended for new construction at any one agency, except as follows: Northern Navajo, N. Mex., flood protection, \$42,000, to be immediately available; Zuni, N. Mex., improving water supply, \$8,800, to be immediately available.

Mr. GOSS. Mr. Chairman, I reserve a point of order for the purpose of seeking an explanation of this new item.

Why is it necessary to except that property enumerated in the bill to the extent of \$42,000 for flood protection?

Mr. HASTINGS. If the gentleman from Connecticut will notice, he will see it is a limitation.

Mr. GOSS. What is that?

Mr. HASTINGS. It is a limitation.

Mr. GOSS. Not when you use the word "except." I grant that the phrase "not more than \$7,500 shall be expended on new construction at any one agency," is a limitation; but when you say "except as follows," and then go on with this new construction item, in my judgment it is not a limitation.

Mr. HASTINGS. The situation at Northern Navajo, N. Mex., is a case which was brought to our attention where there is urgent necessity for flood protection.

The committee visited this place last year and is familiar with it. Page 536 of the hearings is devoted to an explanation of the very urgent need of the expenditure of this amount for flood protection to protect the property of the United States.

Mr. GOSS. Has the legislative committee passed on this item?

Mr. HASTINGS. The legislative committee has not passed on this item; it is not necessary.

Mr. GOSS. Of course, the committee could pass on it.

Mr. HASTINGS. Under the Snyder Act, which was passed in 1921, I think, authorizing appropriations to be made for this and similar purposes, it is not subject to a point of order.

Mr. GOSS. Mr. Chairman, I make the point of order against the proviso that it is legislation in an appropriation bill.

My point of order applies from the words "except as follows" down to and including the word "available" in line 18.

Mr. HASTINGS. Mr. Chairman, under the provisions of the Snyder Act (U. S. C., title 25, sec. 13), the Chair will find the following language:

For the enlargement, extension, improvement, and repair of buildings and grounds of existing plants and projects.

So that it is specifically authorized.

The CHAIRMAN (Mr. BLAND). The Chair is ready to rule.

The Chair is of the opinion that under title 25, section 13, the language read by the gentleman from Oklahoma [Mr. HASTINGS], the point of order is not well taken.

The Chair overrules the point of order.

The Clerk read as follows:

For the purpose of developing agriculture and stock raising among the Indians, including necessary personnel, traveling and other expenses, and purchase of supplies and equipment, \$315,000, of which not to exceed \$15,000 may be used to conduct agricultural experiments and demonstrations on Indian school or agency farms and to maintain a supply of suitable plants or seed for issue to Indians.

Mr. ARENTZ. Mr. Chairman, I move to strike out the last word.

I do this, Mr. Chairman, to bring certain matters to the attention of this committee.

This summer the Senate Committee on Indian Affairs visited Nevada and took in nearly all the reservations in that State. I remember particularly the visit to the Pyramid Lake Indian Reservation and the testimony that was given by Indians at that hearing. For instance, the statement was made that the Indians on that reservation needed some draft animals and the question was asked, "Have you not grazing land on this reservation so you can raise your



own horses?" The answer was, "We have not any sires on the ranch; in fact, we have not any sires of any kind anywhere on the reservation, and whenever we want to buy a team of draft horses we have to go off of the reservation and buy them from the whites."

Now, what a sad commentary it is to think that with a reservation situated in an ideal horse-raising country, they have nothing but a little bunch of fuzztails which are too small to even pull an Indian farmer's hay wagon, yet this item provides for agricultural experiment professors, it provides for irrigation experts, it provides for Indian farmers, and every other conceivable thing to do something for the Indian farmers, and yet on this reservation, as well as many other reservations, you will not see a chicken or a hog or a sack of flour raised on the reservation. There may be a mill, but there is no grinding of flour.

If you make inquiry as to just what the Indian farmer does, you will find that the Indian farmer works in the office and they say, "We can not spare him to go among the farmers and teach them." "Where is the irrigation expert?" "Well, he is looking after water distribution." "Is not he a farmer?" "Oh, yes; he is a farmer, but he can not interfere with the farmer's work." "Do you mean to say, then, that the farmer is in the office doing clerical work and the irrigation expert is traveling over the reservation distributing water and yet can not tell the Indian how to raise crops?"

Now, may I suggest to the gentleman from Oklahoma [Mr. HASTINGS] that the best thing that can be done to save money and to bring about efficiency on Indian reservations and do something for the farmer is to cut out the reservation farmer and put his work in the hands of the irrigation expert, who receives more pay, who is ordinarily a more intelligent man, and who can do the work that the farmer is looking after.

Now, there is another thing. I would like for anyone on this committee to tell me whether anything is being done on any reservation in the West to teach the Indians to use their hands in the way of shoeing horses. Can any of them put a point on a plowshare? Are any of them taught to do anything in the way of building a house or planing a board or making a board straight? They are not being taught a thing along this line.

The Bureau of Indian Affairs is carrying on a wonderful system of education, but, in my opinion, it is the wrong kind of education. The education that the farm boys should receive is an education that is going to help them to get employment among the white settlers adjacent to the reservation, because the Indian boy is not going very far away from where he was reared.

Mr. GOSS. Will the gentleman yield?

Mr. ARENTZ. Yes.

Mr. GOSS. I notice in the permanent and indefinite appropriations an item of \$2,550,000 this year and last year for agricultural and mechanical arts in colleges. I do not know what that is used for, unless it is used for the purposes the gentleman is talking about.

Mr. ARENTZ. I would like the gentleman to inquire about these things and find out just what is being done.

Mr. GOSS. I have tried to do that and I can not find out what is being done.

Mr. ARENTZ. How many Indian boys ever go through high schools?

Mr. GOSS. I could not answer that question.

[Here the gavel fell.]

Mr. ARENTZ. Mr. Chairman, I ask unanimous consent to proceed for five additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Nevada?

There was no objection.

Mr. GOSS. I shall direct my remarks to the chairman of the committee with respect to the \$2,550,000, because I am in sympathy with the gentleman's statement.

Mr. ARENTZ. I was a member of the Indian Affairs Committee of the House for a number of years, and I tried to bring about these changes without any result. My state-

ment of a few minutes ago about trying to break in on bureau policies was made because of my feeling about this matter after having had years of experience in trying to change these things.

I say the education of the Indian is wrong. The Indian boy and the Indian girl on these reservations should be taught to do something that is going to help them in the future.

Mr. COLTON. Will the gentleman yield?

Mr. ARENTZ. Yes.

Mr. COLTON. There are many places on the Indian reservations where such practical things are taught. I have visited a great many of them myself.

Mr. ARENTZ. Then I may say to the gentleman from Utah [Mr. COLTON] let us make it a general policy. Let us make this the policy everywhere in the United States where Indian reservations are located.

I fully appreciate what the 4-H club and the Farm Bureau extension are doing on the reservations. I see the boys that go to the Farm Bureau extension camps at the University of Utah. They come from the gentleman's Strawberry Valley around Vernal and go to Salt Lake City, and I know what they are doing. However, we must do more than that. We have got to spread this out so that the Indian boy and the Indian girl are really taught something that is going to do them some good in later life.

Mr. COLTON. I must say, in justice to my observations, that I think the bureau is handicapped by lack of funds. With the funds available, in many parts of the United States they are doing a wonderful work in teaching the Indians these very practical things that the gentleman has mentioned.

Mr. ARENTZ. I am mentioning them to bring out the fact that we must make this general throughout the entire West and not pick out any particular group of Indians. Let us make it general throughout the States that have Indian reservations.

I would like to know, for instance, how many Indian boys around Vernal and Roosevelt, in the valley where the gentleman lives, can shoe a horse or can put a point on a plowshare or do any of the things that any farmer should know how to do.

Mr. GOSS. Will the gentleman yield?

Mr. ARENTZ. I yield.

Mr. GOSS. Why does not the gentleman find out from the committee here? I have been trying to find out about this permanent appropriation of \$2,550,000 for colleges of agriculture and mechanic arts.

Mr. ARENTZ. The gentleman from Oklahoma can answer that.

Mr. HASTINGS. Mr. Chairman, I think this item is one of the most important in the bill. If the gentleman had asked me how many Indians on this farm or that farm could shoe a horse, I could not tell him. Or if he asked me how many white people in this county or that could shoe a horse, I could not give him the information. But let me say that these Indians are in charge of their own land, and they have some stock. The amount appropriated in this item is for the purpose of employing suitable men upon each and every one of these reservations in order to instruct the Indians how to better farm and to raise better stock.

I agree with the gentleman from Nevada that practical things ought to be taught, and I think that they are taught.

Mr. ARENTZ. Does the gentleman deny the proposition I made in regard to the farmers doing clerical work? I think it should be left to the irrigation farmer, the expert, and let him have charge.

Mr. HASTINGS. That is what this appropriation is attempting to accomplish.

Mr. GOSS. I would like to ask the gentleman from Oklahoma what this \$2,550,000 for colleges of mechanic arts is used for and where is it spent?

Mr. HASTINGS. That has nothing to do with anything in this bill.

Mr. GOSS. I know it has not, but what I want to know is what happens to that money.

Mr. HASTINGS. The permanent and indefinite appropriations were not investigated by our committee. They were only placed in the report for the information of Members of the House. If Members of the House want to know what the indefinite and permanent appropriations are they can get them from this report. We only investigated what pertain to the items in the bill.

Mr. GOSS. But there may be some duplication.

Mr. HASTINGS. My understanding is that this item which the gentleman calls attention to has nothing to do with any item in the bill and is no duplication.

Mr. GOSS. No; it is in addition.

Mr. FRENCH. Mr. Chairman, the inquiry of the gentleman from Connecticut is entirely apart from the subject discussed by the gentleman from Nevada. It is for an entirely different purpose. The gentleman will recall that some 40 years ago, or in 1890, the Government under the Morrill Act undertook the assistance of land-grant colleges throughout the country by giving them direct money appropriations. The amount appropriated was \$15,000 for each institution the first year, which amount was increased annually thereafter for 10 years till a total of \$25,000 for each institution was reached. Later by the Nelson amendment of 1907 the amount was increased under a progressive plan until it became \$50,000 for each institution. That is the amount to-day. There are 51 institutions receiving this aid, making a total of \$2,550,000 annually. This amount is carried as a permanent appropriation of the Government without annual submission to Congress. Under the law this fund is handled by the Interior Department. There are other funds under the Hatch, Adams, and Purnell Acts appropriated for agricultural experiment stations, but these moneys are not handled through the Department of the Interior.

The moneys to which the gentleman from Connecticut refers are moneys over which the committee has no jurisdiction.

Mr. GOSS. Starting that fund 40 or 50 years ago is proof that when you once start a fund of that kind it keeps going on.

Mr. FRENCH. What the gentleman says is quite correct. I am merely stating that these appropriations grow out of the appropriations for colleges of agriculture and mechanic arts throughout the United States under laws that prior Congresses have enacted.

Mr. GOSS. They will continue forever probably.

Mr. FRENCH. I think until the Congress heads them off they will continue.

Mr. COCHRAN of Missouri. Mr. Chairman, I rise in opposition of the amendment. Hidden in the figures which the gentleman from Connecticut [Mr. Goss] refers to are the Federal-aid appropriations. There are over 20 States in the Union to-day taking out of the Federal Treasury more money than they are actually paying in, and among those States are the States that are benefiting by this \$43,000,000 appropriation bill that we are considering right now. The day is coming when the Congress must go into the permanent appropriations that the gentleman is referring to. Congress has run wild on Federal aid. [Applause.] We are seeking money to help pay this Federal aid, to help these non-tax-paying States to get this money from the Federal Treasury. It is in excess of the amount they actually pay in.

On Monday, December 5, the opening day of this Congress, we voted upon a resolution the purpose of which was to raise money to reimburse the Treasury of the United States, to see if we could not cut down this deficit of \$5,000,000 a day, and if gentlemen will look at the RECORD they will see that the Members of Congress who come from these non-tax-paying States that get this Federal aid, with I think one exception, voted against the resolution whereby we sought to reimburse the Treasury of the United States by repealing the eighteenth amendment and taking the money away from the bootleggers of the country and putting it where it belongs, in the Treasury of the United States. Look around. See the Members of Congress from those States in the north central, western, and northwestern parts of this country;

every one of them is here to-day looking after this appropriation bill. Why? Because it is their appropriation bill. Within its pages is carried the money that goes to their States. I say to the gentlemen from these States, I realize that you need help, but the taxpayers of my city and State need some help, also. They want the burdens lifted from their shoulders. I say to you in good faith and in all kindness, if you do not help us find ways to raise the revenue to assist you, then this Federal aid is going to be taken away from you sooner or later.

Mr. COLTON. Mr. Chairman, will the gentleman yield?

Mr. COCHRAN of Missouri. Yes.

Mr. COLTON. Would the gentleman be willing to vote to turn over to those States all of the Federal property within those States, as has been done in Missouri?

Mr. COCHRAN of Missouri. There is no Federal property in the State of Missouri.

Mr. COLTON. I am speaking of public lands.

Mr. COCHRAN of Missouri. Yes; I will turn over the public lands, reserving the mineral and oil rights to the Government.

Mr. COLTON. Oh! What about the forest and mineral lands in Missouri? They went to the State of Missouri.

Mr. COCHRAN of Missouri. As far as the public lands, forest lands, and mineral lands are concerned, we have none. The Government of the United States can open up lands and they do open up the lands and your State gets the benefit of it. We are appropriating money here, even for paying taxes, paying taxes on public lands to the State of Oregon and other States. The gentleman does not deny that, does he?

Mr. COLTON. No; but that is another matter entirely.

Mr. COCHRAN of Missouri. The point I make is, and I make it in all kindness, that if you gentlemen want our help you must help us. We want your help and we want to help you. Why can you not help us? Why can you not help us take the burdens off our taxpayers' shoulders? They do not want to pay taxes and have their money go to other States.

Mr. COLTON. In my State, for instance, the Government owns 74 per cent of all the lands in the State.

Mr. COCHRAN of Missouri. Why do you not have the people take the lands over and open them up to entry?

Mr. COLTON. Most of them are forest and mineral lands.

Mr. COCHRAN of Missouri. Again I say, we want your help and you want our help. Why do you not help us? You know how you can help.

Mr. COLTON. We will in the right way.

Mr. COCHRAN of Missouri. What difference does it make to the people of the State of Utah, or any other Western State, what the people of the State of Missouri do or what the people of the State of New York or Pennsylvania do? You have the right to legislate for your State and keep liquors outside its borders if you desire. We will never object. What we want is for you to assist us to legalize the sale of liquor so we can start our great industries going again, put our people back to work, and raise taxes, secure money which I said before is going into the bootleggers' pockets and not into the Treasury.

We ask nothing unreasonable. Have your prohibition, if you want it, but let us regulate ourselves. If you do not, just as sure as you are here to-day, you will see the hour come when your Federal-aid appropriations will be curtailed. There will be no money to pay them.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

The Clerk read as follows:

For the purpose of encouraging industry and self-support among the Indians and to aid them in the culture of fruits, grains, and other crops, \$449,200, which sum may be used for the purchase of seeds, animals, machinery, tools, implements, and other equipment necessary, and for advances to Indians having irrigable allotments to assist them in the development and cultivation thereof, in the discretion of the Secretary of the Interior, to enable Indians to become self-supporting: *Provided*, That the expenditures for the purposes above set forth shall be under conditions to be prescribed by the Secretary of the Interior for repayment to the United States on or before June 30, 1939, except in the case of loans on irrigable lands for permanent improvement of said lands,



in which the period for repayment may run for not exceeding 20 years, in the discretion of the Secretary of the Interior: *Provided further*, That \$150,000 shall be immediately available for expenditures for the benefit of the Pima Indians, and not to exceed \$25,000 of the amount herein appropriated shall be expended on any other one reservation or for the benefit of any other one tribe of Indians: *Provided further*, That no part of this appropriation shall be used for the purchase of tribal herds: *Provided further*, That the Secretary of the Interior is hereby authorized, in his discretion and under such rules and regulations as he may prescribe, to make advances from this appropriation to old, disabled, or indigent Indian allottees, for their support, to remain a charge and lien against their lands until paid: *Provided further*, That advances may be made to worthy Indian youths to enable them to take educational courses, including courses in nursing, home economics, forestry, and other industrial subjects in colleges, universities, or other institutions, and advances so made shall be reimbursed in not to exceed eight years, under such rules and regulations as the Secretary of the Interior may prescribe.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word for the purpose of inquiring as to the limitation on the first proviso found on page 20, limiting the payment of these charges on or before June 30, 1939, except in certain cases. I have not had time to examine existing law as to whether that is the same date or not. What is the reason for extending the payment seven years hence?

Mr. HASTINGS. We prescribe the time within which these repayments may be made by the Indians.

Mr. STAFFORD. The existing law places the date one year earlier. Is it the policy of the committee always to grant a certain number of years in which these charges may be repaid?

Mr. HASTINGS. That is five years from the next year. That has been the policy all along, as I recall.

Mr. STAFFORD. I withdraw the pro forma amendment. The Clerk read as follows:

In all, for irrigation on Indian reservations, not to exceed \$161,500, reimbursable: *Provided*, That no part of this appropriation shall be expended on any irrigation system or reclamation project for which public funds are or may be otherwise available: *Provided further*, That the foregoing amounts appropriated for such purposes shall be available interchangeably, in the discretion of the Secretary of the Interior, for the necessary expenditures for damages by floods and other unforeseen exigencies, but the amount so interchanged shall not exceed in the aggregate 10 per cent of all the amounts so appropriated: *Provided further*, That the cost of irrigation projects and of operating and maintaining such projects where reimbursement thereof is required by law shall be apportioned on a per acre basis against the lands under the respective projects and shall be collected by the Secretary of the Interior as required by such law, and any unpaid charges outstanding against such lands shall constitute a first lien thereon which shall be recited in any patent or instrument issued for such lands.

Mr. GOSS. Mr. Chairman, I move to strike out the last word. Last year we passed an omnibus bill which canceled the payments on irrigation projects on Indian reservation. As I recall, it was something like \$20,000,000 or a little more. Now we are appropriating here \$161,000, reimbursable, and there are some other items throughout the page; \$220,000, reimbursable, and so on all the way down through. It seems that when we appropriate this money, while it states "reimbursable" it does not take very many years before some Member comes in with an omnibus bill and wipes out the entire charge, and the Federal Government has that further burden on these particular projects.

Mr. HASTINGS. I wish to call the gentleman's attention to the fact that it is my recollection that that legislation gave discretion to the Secretary of the Interior, but before it becomes finally effective he must report his action to Congress. Nothing has been done under that act, as far as I am advised. I think that is correct.

Mr. GOSS. Does the gentleman from Idaho [Mr. FRENCH] or the gentleman from Montana [Mr. LEAVITT] agree with that? I think the gentleman from Montana [Mr. LEAVITT] introduced the bill. Were not these items canceled in that bill?

Mr. LEAVITT. I will read the law to which the gentleman refers. It is Public, No. 240:

*Be it enacted, etc.*, That the Secretary of the Interior is hereby authorized and directed to adjust or eliminate reimbursable charges of the Government of the United States existing as debts against individual Indians or tribes of Indians in such a way as shall be equitable and just in consideration of all the circum-

stances under which such charges were made: *Provided*, That the collection of all construction costs against any Indian-owned lands within any Government irrigation project is hereby deferred, and no assessments shall be made on behalf of such charges against such lands until the Indian title thereto shall have been extinguished, and any construction assessments heretofore levied against such lands in accordance with the provisions of the act of February 14, 1920 (41 Stat. L. 409), and uncollected are hereby canceled: *Provided further*, That a report shall be made to Congress annually on the first Monday in December showing adjustments so made during the preceding fiscal year: *Provided further*, That any proceedings hereunder shall not be effective until approved by Congress, unless Congress shall have failed to act favorably or unfavorably thereon by concurrent resolution within 60 legislative days after the filing of said report, in which case they shall become effective at the termination of the said 60 legislative days.

Mr. GOSS. It amounted to some \$20,000,000, did it not?

Mr. LEAVITT. I do not recall the exact amount.

Mr. GOSS. But it was a considerable sum.

Mr. LEAVITT. Yes; but I do not think it was that large.

Mr. GOSS. Now, does not the gentleman think that most of the items in this bill probably will not be reimbursed to the Federal Government? If we go on the experience of the past, that certainly will be true, will it not?

Mr. LEAVITT. This law says they are deferred as long as the land remains in Indian ownership.

Mr. GOSS. And then after years and years another omnibus bill will come in such as the gentleman had passed, and cancel out some \$20,000,000. We accumulate them in small amounts, like \$160, \$220, \$1,800, and all these various amounts, and then later some one will come in and say they can not pay on it, and then the Federal Government will simply be out that appropriation.

Mr. LEAVITT. Of course, the first part of this bill has to do with reimbursable charges that have nothing to do with reclamation projects.

Mr. GOSS. Well, this is an irrigation project. Of course, the irrigation part of it is just as flagrant as the reclamation proposition.

Mr. LEAVITT. Many of them are reimbursable debts against the Indians which were unjustly placed against the Indians. It has even been a great damage to them through their not being ready at the time.

Mr. GOSS. Well, the gentlemen come in here and put in these bills for irrigation and they go through.

[Here the gavel fell.]

Mr. LEAVITT. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. GOSS. In both the irrigation and reclamation projects the same abuses have occurred; is that not true?

Mr. LEAVITT. The situation is now quite different from that of years ago. We will say that we start a new reclamation project on an Indian reservation. We have the situation now that the Indians are much more ready to go on and use that land than 15 or 20 or more years ago, when many of these old projects referred to particularly in this law that I introduced were put into effect. We also have a new policy for a study of the soil, the topography, economic conditions, and all those things, before we build the projects. My bill had to do with taking care of charges that existed against Indian tribes of every kind, that had frequently been unjustly placed against them, and no one had any authority to deal with them.

Mr. GOSS. The gentleman admits that many times these irrigation and reclamation items, these reimbursable items, are never reimbursed to the Government.

Mr. LEAVITT. I misunderstood the gentleman. Irrigation and reclamation are the same thing here; yes.

Mr. GOSS. But it refers in this particular item to irrigation; but it is about the same story, is it not, on both items?

Mr. LEAVITT. It is as far as the Indian reservations are concerned.

Mr. ARENTZ. Will the gentleman yield?

Mr. GOSS. I yield.

Mr. ARENTZ. The gentleman will find that many of the reimbursable items charged against the Indians were made at the suggestion of the Indian Bureau over the period of

the last 50 years, and the Indian, without taking any interest in it himself, has had these reclamation projects put on the reservation. In many cases the head gates are all rotted and fallen to ruin; the ditches are filled with sand; the water has never been delivered to the Indians, because where there were 10,000 acres available, there were only 500 acres actually put under cultivation, and the Indian lands were charged for this expense.

Does the gentleman not think it is the right thing for this group of western men, headed by the gentleman from Montana [Mr. LEAVITT], to have introduced this bill in the interest of the Indian who had these items charged against him and did not have anything to do with it?

Mr. GOSS. That is perfectly true if the Indian did not know anything about it, but that is always the excuse that has been given.

Are we to assume that the Indians know they are being assessed, on page 25, line 4, \$161,000 for the irrigation of these projects?

Mr. ARENTZ. It is in the report made to this committee that the Commissioner of Indian Affairs through the engineer who has charge of all reclamation for all Indian reservations, has made a personal investigation. Maps are available, land contours have all been made, the land has been surveyed, the soil has been surveyed, and they know exactly how much land each Indian wants, and when it is completed the Indians will go to work on it.

Mr. GOSS. So, is it safe to say, or is it not safe to say, that in the future the Indians will realize what these reimbursable items are that are being charged against them so they will not come back in the future as has been done in the past with a request to cancel the charge and have it paid by the Federal Government? We must remember we are spending the taxpayers' money here.

Mr. ARENTZ. Let us hope that from now on the procedure I speak of is going to take place.

Mr. GOSS. I hope the gentlemen representing the West take that into consideration when they put such items in the bill, for certainly that has not been the experience in the past.

Mr. ARENTZ. I think this policy has been in the mind of every man who has represented the Indians of the West in matters of reclamation for the last 10 years.

Mr. GOSS. I do not doubt that.

Mr. ARENTZ. Yes; I think that can be said.

Mr. GOSS. As to irrigation and reclamation both?

Mr. ARENTZ. As to irrigation and reclamation on Indian reservations, I think that can be said.

Mr. FRENCH. Mr. Chairman, I think another statement should be made in connection with the discussion here. The amount involved, \$161,500, of reimbursable money is to meet the operation and maintenance charges, essentially, upon a great many projects.

Now we come to the question why these Indian projects should have been begun at all? Many, in fact most of them, are old projects. Many were begun for the purpose of protecting and conserving the rights of the Indians. For instance, here is an Indian reservation the lands under which are largely of a character that are irrigable.

[Here the gavel fell.]

Mr. FRENCH. Mr. Chairman, I rise in opposition to the pro forma amendment.

The lands, let us say, are irrigable and can produce crops only if irrigated. The lands lie near lands that are part of the public domain where a reclamation project is to be undertaken. There is only a limited amount of water. It is not the fair thing to the Indians to use all the water upon lands that are going to pass from the public domain into white ownership, leaving the lands owned by the Indians desert lands. Were we to do so, then in another 25 or 40 years the Indian children of to-day, who will then be the men and women of the Indian race, would discover that their heritage had been swept away and been rendered worthless, not by affirmative action of the Government but by the Government's neglect. There would be no available water. A great many of these irrigation projects have been

undertaken in order that the Indian lands may receive their full share of water that a limited watershed affords.

Mr. GOSS. Does the gentleman agree with his colleague from Nevada [Mr. ARENTZ] that most of these bills containing reimbursable items have had the items included in them only after it has been found that the Indians will not come back to Congress in a few years and say: "Well, we can not pay it," and ask for relief and then we adjust the matter to take care of them? Does the gentleman agree with the statement of his colleague?

Mr. FRENCH. I wish to be fair.

Mr. GOSS. Does the gentleman agree that that is the condition that exists now, or has existed during the last few years?

Mr. FRENCH. Well, we are and have been under some very dreadful economic conditions in the West. Irrigation projects on Indian and white lands which were undertaken, for instance, before the war are to-day unremunerative, unprofitable, although upon the basis of economic conditions when they were undertaken they were promising projects and looked thoroughly sound. Essentially, it is because of the changed economic conditions that both white and Indian peoples have had to come to Congress and ask relief.

Mr. GOSS. The gentleman has not yet answered my question.

Mr. FRENCH. No; because I am not a prophet. I can not forecast the future. I hope we may be approaching more nearly to a sound basis for all projects, whether upon white or upon Indian lands. I hope this may be true.

Mr. GOSS. But the gentleman really does not know.

Mr. FRENCH. I can not know. How can anyone know?

Mr. GOSS. The gentleman from Nevada said he knew that.

Mr. FRENCH. I hope there is adequate foundation for that which he believes is knowledge.

Mr. GOSS. I do, too, because it is costing us a great deal of money under present conditions, because the Indian does not know what is being charged against him and then comes in afterwards and asks for cancellation.

Mr. FRENCH. But the gentleman would not permit these Indian reclamation projects to go back to desert. The gentleman would appropriate moneys for their operation and maintenance and then to the extent possible, through the administration of the Indian Office, would collect from the Indians and from white lessees and from white owners of land as much money as may be possible.

Mr. GOSS. I am in favor of the collection of that money, of course.

Mr. FRENCH. And we are trying to do that very thing.

Mr. SMITH of Idaho. May I ask the gentleman from Connecticut a question?

Mr. GOSS. Certainly.

Mr. SMITH of Idaho. Does the gentleman make any distinction between the obligation of the Government toward the Indian and the white man?

Mr. GOSS. No; none at all. My only observation in this whole debate has been that here are a lot of items in the bill—regardless of race, creed, or color—that are claimed on the face of them to be reimbursable, but I just said to the gentleman from Idaho [Mr. FRENCH]—and I would like to say the same thing to the gentleman—I have seen many of these bills here, some of them being in the nature of omnibus bills, for cancellation of reimbursable items to the white lessee and to the Indian, as well as a number of other people.

Mr. SMITH of Idaho. So far as the white men are concerned, I do not think anything of that kind has occurred since the gentleman came here.

Mr. GOSS. We had a vote on such a bill, but I believe it did not pass.

Mr. SMITH of Idaho. The gentleman must realize that the Indians are wards of the Government, and it is the duty of the Government to take care of them; and the Indians living on arid lands can not make a living or progress sufficiently in their farming activities to pay these charges.

Mr. GOSS. We deferred payments for a great many years on a number of these projects.



Mr. SMITH of Idaho. The Indians living on arid lands can not possibly earn money enough to pay the construction charges for placing water upon their lands.

The Clerk read as follows:

For the operation and maintenance of the San Carlos project for the irrigation of lands in the Gila River Indian Reservation and in the Casa Grande Valley, Ariz., including not more than \$5,000 for crop and improvement damages and not more than \$5,000 for purchases of rights of way, \$143,500; for continuing construction, \$77,100, including \$54,000 for purchase or construction of transmission and distribution lines; in all, \$220,600, reimbursable.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word.

Here we have an item of \$54,000 for purchase or construction of transmission and distribution lines on the San Carlos project. Is this for the benefit of the Indians themselves or what is the occasion for appropriating \$54,000 for purchase and construction of transmission lines?

Mr. HASTINGS. It is in order that they may sell the power that is generated.

The hearings disclose on page 650—

Extension of transmission lines is vital to the success of this project. Negotiations are now in progress looking to the purchase of the lines mentioned. Such lines would be made a part of the power system of the project and would insure electric energy, particularly for operation of pumping plant. In case of failure in the negotiations, it will be necessary to expend the same or a larger amount in the erection of new lines. The installation of three turbine pumping plants for draining and irrigation and water supply is contemplated—

And so forth.

Mr. STAFFORD. May I inquire whether this is new language carried in the appropriation bill for this year?

Mr. HASTINGS. Yes; this is new language.

Mr. STAFFORD. Then, Mr. Chairman, for one, I have been misled by the statement of the gentleman that there is no language in this bill that is new or subject to a point of order. I would certainly have reserved a point of order on this provision, which is seeking to authorize the Commissioner of Indian Affairs, so far as this tribe of Indians is concerned, to go into the generation and sale of power. There is no authorization of law for this Indian tribe to go into the business of generating power and having it sold to private consumers. I accepted the statement of the members of the committee that there is no proposed legislation in this bill. I have not followed the bill as closely as I usually follow such legislation, and here we have a proposition of committing the Government to the policy of having this Indian tribe go into the electric light and power business.

Mr. HASTINGS. We have here the San Carlos project, which was built at very great expense. There is a great dam there with a large amount of electrical energy. Does not the gentleman from Wisconsin think it ought to be utilized, and how are we going to utilize it without these transmission lines?

Mr. STAFFORD. On the same fundamental principle that I opposed the bill reported by the Committee on Military Affairs, supported by the Democratic membership of that committee, committing the Government to the manufacture of fertilizer if the Muscle Shoals properties could not be leased. I am against the Government entering into private manufacture and entering into business in competition with private industry. I know it is a part of the policy subscribed to by the incoming administration, which is in favor of the Government going into the power business in certain instances.

Mr. HASTINGS. Just a moment. The primary purpose is to use this on the irrigation project, and it will be used very largely in that way, but, of course, the purpose is to sell any surplus.

Mr. MURPHY. Will the gentleman yield?

Mr. STAFFORD. I yield.

Mr. MURPHY. I am sure the gentleman will be interested to learn that the only water power available is on the Indian reservation and they have already built the dam and are prepared to use the water power there. Now, why should they be refused the right to build transmission lines to help

this entire country? The Indians themselves will profit by the transaction, because it is all reimbursable. This is simply a forward step. This means progression, and there is no other place for them to get this power.

Mr. STAFFORD. I am very glad that the gentleman has enrolled in the progressive group. I welcome him as a conservative from Wisconsin into the progressive group. [Laughter.] I am not so circumscribed in my views against Government operation that I wish to insist that facilities shall not be granted to Indian reservations to lease power to adjoining tributary districts; but I do oppose the policy of the Government, through the Bureau of Indian Affairs, going into the power business. I am not sufficiently advised about the facts of this case. I have not read the hearings on the subject.

Mr. HASTINGS. I read the gentleman the hearings on this subject. They say:

Extension of transmission lines is vital to the success of this project. Negotiations are now in progress looking to the purchase of the lines mentioned. Such lines would be made a part of the power system of the project and would insure electric energy, particularly for operation of pumping plants. In case of failure in the negotiations it will be necessary to expend the same or a larger amount in the erection of new lines.

Mr. STAFFORD. No one would have any objection to having transmission lines under such circumstances. I wish the gentleman had read that earlier.

Mr. HASTINGS. I did read that to the gentleman.

Mr. STAFFORD. Then my mind was diverted to some other subject. Mr. Chairman, I withdraw my pro forma amendment.

Mr. SMITH of Idaho. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amendment offered by Mr. SMITH of Idaho: Page 27, line 10, after the words "Provided, That," insert the words "except as to rights of way and damage claims."

Mr. STAFFORD. Mr. Chairman, I reserve a point of order. I had been informed by a colleague of the gentleman from Idaho that he intends to offer amendments to modify existing law. My attention was called to the proposal late this afternoon. I wonder whether it would be agreeable to the gentleman in charge of the bill to have this paragraph passed over so that I may have an opportunity to examine it with all rights reserved?

Mr. HASTINGS. I am perfectly willing; and I think it would save time.

Mr. SMITH of Idaho. Mr. Chairman, I have two other amendments that I propose to offer.

Mr. STAFFORD. Let them be offered for information.

The CHAIRMAN. Without objection, the amendments will be offered for information and passed over.

Mr. STAFFORD. Subject to all points of order.

The CHAIRMAN. Subject to all points of order.

Mr. SMITH of Idaho. Then, Mr. Chairman, I offer the following amendments:

The Clerk read as follows:

Amendments offered by Mr. SMITH of Idaho: Page 27, line 12, after the word "contracts," insert "with the non-Indian land-owners"; page 27, line 13, after the figures "1931," insert the following proviso: "Provided further, That the requirements of the first sentence of section 6 of such act shall not be operative in the cases of Indian-owned land."

Mr. SMITH of Idaho. Mr. Chairman, yesterday morning and this morning my colleague [Mr. FRENCH] and I endeavored to confer with the gentleman from Wisconsin, but did not have an opportunity to meet him at his office. We are quite willing to have the matter go over until tomorrow in order that these amendments may be explained to him.

Mr. KETCHAM. Mr. Chairman, I reserve a point of order against the last two amendments.

The CHAIRMAN. These were read for information at this time.

Mr. KETCHAM. I do not want to lose any advantage.

The CHAIRMAN. The gentleman is protected in his rights.

The Clerk read as follows:

For operation and maintenance of the irrigation systems on the Flathead Indian Reservation, Mont., \$12,000; for completing Pablo Reservoir enlargement, \$35,000, to be immediately available; enlargement and improvement of Tabor feed canal, \$22,000; construction of Alder Creek and Lost Creek feed canals, \$12,000; purchase of water rights Mission Creek, \$6,200; continuing construction of power distributing system, \$50,000; lateral systems betterment, \$20,000; miscellaneous engineering, surveys, and examinations, \$5,000; in all, not to exceed \$152,000, reimbursable: *Provided*, That the unexpended balance of the appropriation of \$55,000 contained in the Interior Department appropriation act, fiscal year 1932 (46 Stat., p. 1127), for purchase of sites for reservoirs, construction headquarters and administrative uses, is hereby made available for the same purpose until June 30, 1934.

Mr. EVANS of Montana. Mr. Chairman, I offer the following amendment which I send to the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. EVANS of Montana: Page 28, at the end of line 25, strike out the period, insert a colon and the following: "*Provided*, That (with the consent of the irrigation districts on the Flathead irrigation project which have executed repayment contracts with the United States as required by law) the Secretary of the Interior may modify the terms of such contracts by requiring the operation and maintenance charges not heretofore carried into construction costs and dealt with in the act of March 7, 1928 (45 Stat. pp. 212-213), to be paid over the same period of years and in like manner as the construction costs are to be paid under the terms of the public notice issued by such Secretary on November 1, 1930, as amended April 20, 1931: *Provided further*, That the first installment of such operation and maintenance charges shall be due and payable on the same date as the first installment of construction charges is due and payable, and interest shall not be assessed against such operation and maintenance charges or obligations after December 1, 1931, where modifications of the contracts are made pursuant hereto."

Mr. STAFFORD. Mr. Chairman, I reserve a point of order in order to give the gentleman an opportunity to explain his amendment.

Mr. EVANS of Montana. Mr. Chairman, the situation is this: The Flathead Indian project has been in course of construction for many years. In the earlier days of that construction it was the custom of the Government to levy an assessment charge for operation and maintenance of that project, a sort of blanket charge. They charged so much an acre to the owner of the land. If he had 80 acres and the charge happened to be a dollar, he would be charged \$80, whether the man took water or not. A good many men did not take water in those early days, as they seemed to find it more profitable to dry farm, but the charge was made against the land just the same. Subsequently the department found it was not working out, and they levied a charge whenever a man filed an application for water, provided they thought they had water to furnish him. At times the Government could furnish him water for one irrigation, but they could not furnish him water to mature his crop. Therefore his crop was destroyed because the Government could not furnish the necessary water, but the charge against the man was continued just the same. In 1928, through this Appropriations Committee we passed a provision that no water should be furnished to any of these landowners until they had paid their back operation and maintenance charges, and it is these particular charges that we are now complaining about and trying to remedy.

A number of these men find their land burdened with a charge that they can not pay at the present time. Under the law as passed in the appropriation bill of 1928 the Government can not furnish them any further water unless they pay the back charges. These men are perhaps prepared to pay charges to get water for this year, but under the law it can not be furnished them. It is comparable to the situation where a farmer goes to a merchant to buy a plow. He has the money in his pocket to buy the plow. The merchant says that he has the plow and that he would like to sell it to him, but that he will not sell it to him unless the farmer pays him the \$20 he owes him for a harrow that he bought two years before. The farmer is not in a position to pay for that harrow. The result is that we wreck the farmer and we wreck the merchant who has the goods there to sell. The Government will have water there next June, and the

man is willing to pay for next year's water, and all that he asks is to defer these back payments, not to cancel them, so that he may pay over a period of years with the other construction charges.

Mr. STAFFORD. Mr. Chairman, will the gentleman yield?

Mr. EVANS of Montana. Yes.

Mr. STAFFORD. Why should not the Government pass a general law extending the same privilege to all similar cases rather than confine it to the Flathead Indian project?

Mr. EVANS of Montana. I think that would be all right if we could do it.

Mr. STAFFORD. Why do you wish to single out for preferential consideration the people on the Flathead Indian Reservation?

Mr. EVANS of Montana. Because we are dealing with the Flathead Indian Reservation at the present time. It is necessary, if these people are to be allowed to live, to relieve them of this back charge for a year. This matter was presented to the subcommittee in charge of this bill, who listened to us very sympathetically, and I believe they think the relief should be granted, but to avoid a possible point of order they did not put it in the bill. I am grateful to the gentleman from Wisconsin [Mr. STAFFORD] for withholding his point of order until the matter might be explained to the House. I am sure there is real merit in our position.

Mr. LEAVITT. Mr. Chairman, will the gentleman yield?

Mr. EVANS of Montana. Yes.

Mr. LEAVITT. Congress did pass such a general piece of legislation allowing the rewriting of the contract on all of the reclamation projects, but did not include the Flathead project, which is an Indian reservation.

Mr. STAFFORD. It did not include any lands on Indian reservations.

Mr. LEAVITT. No. The Flathead project is a large reservation, but it is a white man's project. It should have been included in the original act.

Mr. STAFFORD. I am quite aware that the distinguished gentlemen from Montana would have been only too willing to have had the general law extend to similar cases on Indian reservations, but if the Flathead Indian Reservation was the only one, it would be all right. However, the gentleman from Montana says that conditions are similar on all Indian reservations.

Mr. LEAVITT. Some adjustment has been made by special act having to do with Indian projects elsewhere, such as the Blackfeet Reservation.

Mr. STAFFORD. When was that accomplished?

Mr. LEAVITT. That has been within the last Congress or so. It involved some items of rewriting, allowing more time for some of these payments. They had to enter into an agreement to do certain things. I will be glad to call the gentleman's attention to-morrow to the exact terms of the act.

Mr. HASTINGS. I just want to say before the committee rises that this amendment was presented to the committee. Extended hearings were held upon it. The Indian Bureau officials came before us. They have collaborated in the preparation of the particular amendment. These people are in very great distress. It did appeal very strongly to the committee, but the committee, not being willing that legislation should go on an appropriation bill, was unwilling to accept it and embody it in the bill, but we told the members of the committee that they might, if they wanted to, present it to the House for its consideration.

Mr. STAFFORD. How many other instances are there similar to the Flathead Indian Reservation which were called to the attention of the committee?

Mr. HASTINGS. I think this is the only amendment that has been offered. I do not recall any other.

Mr. STAFFORD. There is considerable testimony in the hearings covering this amendment?

Mr. HASTINGS. Yes.

Mr. STAFFORD. If the gentleman would be willing to move that the committee rise now, I would be glad to exam-



ine the hearings overnight and be prepared to discuss it further to-morrow.

Mr. HASTINGS. I will be glad to do that.

Mr. MURPHY. May I suggest to the gentleman from Wisconsin that he read the hearings beginning on page 708? There he will get all of the information with reference to this particular matter; and I am sure when the gentleman reads it, he will be satisfied with the amendment.

Mr. STAFFORD. It was my unfortunate lot to be appointed to give special consideration to the viewpoint of the Government as to the general legislation that was adopted for relief of the users on Government projects other than Indian reservations, so this subject is one that has come within my special purview. I wish to have an opportunity to read the hearings, and I will do that to-night if the gentleman will move to rise now.

Mr. HASTINGS. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. BLAND, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill (H. R. 13710) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1934, and for other purposes, had come to no resolution thereon.

#### BOILER-INSPECTION LEGISLATION

Mr. PATMAN. Mr. Speaker, at the request of the chairman of the Committee on the District of Columbia, I ask unanimous consent that the boiler inspection bill (H. R. 8013) be recommitted to the Committee on the District of Columbia.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

#### LEAVE OF ABSENCE

By unanimous consent leave of absence was granted to Mr. AYRES (at the request of Mr. HOPE), for Friday and Saturday, on account of illness.

#### ADJOURNMENT

Mr. RAINEY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 57 minutes p. m.) the House adjourned until tomorrow, Saturday, December 17, 1932, at 12 o'clock noon.

#### COMMITTEE HEARINGS

Tentative list of committee hearings scheduled for Saturday, December 17, 1932, as reported to the floor leader:

##### AGRICULTURE

(10 a. m.)

Continue hearings on farm program.

##### NAVAL AFFAIRS

(9.30 a. m.)

Hearings on transfer of Naval Observatory and other bureaus to Department of Commerce.

##### MINES AND MINING

(10.30 a. m.)

Hearings on various subjects.

##### MILITARY AFFAIRS

(10 a. m.)

Hearings by subcommittee No. 7. Private bills.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

807. A letter from the Secretary of the Interior, transmitting draft of a bill authorizing an appropriation to pay certain enrolled Indians under the Pine Ridge, Standing Rock, Cheyenne River, and Rosebud Sioux Agencies amounts which have been awarded by the Secretary of the Interior under

the act of Congress of May 3, 1928 (45 Stat. 484); to the Committee on Indian Affairs.

808. A letter from the Secretary of the Interior, transmitting for approval of the Congress a list of the cancellations and adjustments made with individual Indians and tribes of Indians (H. Doc. No. 501); to the Committee on Indian Affairs and ordered to be printed.

809. A letter from the Secretary of War, transmitting draft of a bill to provide for the erection of a monument to Confederate soldiers in the Crown Hill Cemetery, Indianapolis, Ind.; to the Committee on Military Affairs.

810. A communication from the President of the United States, transmitting for the consideration of Congress estimates of appropriations submitted by the several executive departments to pay claims for damages to privately owned property in the sum of \$930.19 (H. Doc. No. 502); to the Committee on Appropriations and ordered to be printed.

811. A communication from the President of the United States, transmitting for the consideration of Congress estimates of appropriations submitted by the Navy Department to pay claims for damages by collisions with naval vessels in the sum of \$615.09 (H. Doc. No. 503); to the Committee on Appropriations and ordered to be printed.

812. A communication from the President of the United States, transmitting for the consideration of Congress a list of judgments rendered by the Court of Claims which have been submitted by the Attorney General through the Secretary of the Treasury and require an appropriation for their payment (H. Doc. No. 504); to the Committee on Appropriations and ordered to be printed.

813. A communication from the President of the United States, transmitting for the consideration of Congress a supplemental estimate of appropriation for the Department of Labor Employment Service, for the fiscal year 1933 amounting to \$200,000 (H. Doc. No. 505); to the Committee on Appropriations and ordered to be printed.

814. A communication from the President of the United States, transmitting for the consideration of Congress an estimate of appropriation for the fiscal year ending June 30, 1933, amounting to \$17,000, to enable the Chief Executive to continue the litigation in connection with joint resolution directing the Secretary of the Interior to institute proceedings touching sections 16 and 36, township 30 south, range 23 east, Mount Diablo meridian (H. Doc. No. 506); to the Committee on Appropriations and ordered to be printed.

815. A communication from the President of the United States, transmitting for the consideration of Congress schedules covering certain claims allowed by the General Accounting Office in the sum of \$2,347.47 (H. Doc. No. 507); to the Committee on Appropriations and ordered to be printed.

816. A communication from the President of the United States, transmitting for the consideration of Congress records of judgments rendered against the Government by the United States district courts (H. Doc. No. 508); to the Committee on Appropriations and ordered to be printed.

817. A communication from the President of the United States, transmitting for the consideration of Congress estimates of appropriations submitted by the several executive departments and an independent office to pay claims for damages to privately owned property in the sum of \$19,260.86 (H. Doc. No. 509); to the Committee on Appropriations and ordered to be printed.

818. A communication from the President of the United States, transmitting a report for the consideration of Congress, in compliance with section 2 of the act of July 7, 1884 (U. S. C., title 5, sec. 266), schedules of claims allowed by the General Accounting Office, as covered by certificates of settlement (H. Doc. No. 510); to the Committee on Appropriations and ordered to be printed.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. COLLIER: Committee on Ways and Means. H. R. 18742. A bill to provide revenue by the taxation of certain

nonintoxicating liquors, and for other purposes; without amendment (Rept. No. 1800). Referred to the Committee of the Whole House on the state of the Union.

#### REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. MILLER: Committee on Claims. H. R. 7096. A bill for the relief of the Dallas County chapter of the American Red Cross; without amendment (Rept. No. 1797). Referred to the Committee of the Whole House.

Mr. MILLER: Committee on Claims. H. R. 11495. A bill for the relief of Elsie Segar, administratrix of C. M. A. Sorensen and of Holgar E. Sorensen; with amendment (Rept. No. 1798). Referred to the Committee of the Whole House.

Mr. MILLER: Committee on Claims. H. R. 12351. A bill for the relief of Guy M. Kinman; with amendment (Rept. No. 1799). Referred to the Committee of the Whole House.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. COLLIER: A bill (H. R. 13742) to provide revenue by the taxation of certain nonintoxicating liquors, and for other purposes; to the Committee of the Whole House on the state of the Union.

By Mr. WILLIAM E. HULL: A bill (H. R. 13743) granting the consent of Congress to the State of Illinois to construct, maintain, and operate a free highway bridge across the Illinois and Mississippi Canal near Tiskilwa, Ill.; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 13744) granting the consent of Congress to the State of Illinois to construct, maintain, and operate a free highway bridge across the Illinois and Mississippi Canal near Langley, Ill.; to the Committee on Interstate Commerce.

By Mr. EVANS of Montana: A bill (H. R. 13745) to provide for agricultural entry of lands withdrawn, classified, or reported as containing any of the minerals subject to disposition under the general leasing law or acts amendatory thereof or supplementary thereto; to the Committee on the Public Lands.

By Mr. KVALE: A bill (H. R. 13746) to provide funds for cooperation with the Minnesota State Board of Control in the extension of the Minnesota State Sanatorium at Ah-Gwah-Ching, Minn.; to the Committee on Indian Affairs.

By Mr. HOUSTON of Hawaii: A bill (H. R. 13747) to amend section 3993 of the Revised Statutes; to the Committee on the Post Office and Post Roads.

By Mr. DAVIS of Pennsylvania: A bill (H. R. 13748) to procure a site for a Federal building at Philadelphia, Pa.; to the Committee on Public Buildings and Grounds.

By Mr. WATSON: A bill (H. R. 13749) to authorize the Reconstruction Finance Corporation to make loans to aid in financing projects for the construction of sewerage systems or sewage-disposal works; to the Committee on Banking and Currency.

By Mrs. NORTON: A bill (H. R. 13750) to regulate the bringing of actions for damages against the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. RANKIN: A bill (H. R. 13751) granting the consent of Congress to the Board of Supervisors of Marion County, Miss., to construct a bridge across Pearl River; to the Committee on Interstate and Foreign Commerce.

By Mr. EATON of Colorado: A bill (H. R. 13752) authorizing payment of retirement pay to be made to certain officers and employees; to the Committee on Expenditures in the Executive Departments.

By Mr. RANKIN: A bill (H. R. 13753) granting the consent of Congress to the Board of Supervisors of Monroe County, Miss., to construct a bridge across Tombigbee River; to the Committee on Interstate and Foreign Commerce.

By Mr. THOMASON: Resolution (H. Res. 326) requesting the retention of troops heretofore stationed at Fort D. A. Russell; to the Committee on Military Affairs.

By Mr. WOLVERTON: Joint resolution (H. J. Res. 512) authorizing the issuance of a special postage stamp in honor of Brig. Gen. Thaddeus Kosciuszko; to the Committee on the Post Office and Post Roads.

By Mr. BALDRIGE: Joint resolution (H. J. Res. 513) authorizing the Secretary of Agriculture to issue congressional certificate of merit for 4-H achievement; to the Committee on Agriculture.

By Mr. SIROVICH: Concurrent resolution (H. Con. Res. 43) to declare the sense of Congress that member banks of the Federal reserve system shall not furnish special protection for deposits made by States or political subdivisions thereof; to the Committee on Banking and Currency.

#### PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BLAND: A bill (H. R. 13754) for the relief of the Virginia Engineering Co. (Inc.); to the Committee on Claims.

By Mr. BLOOM: A bill (H. R. 13755) for the relief of Ernest Jacober, deceased; to the Committee on Naval Affairs.

Also, a bill (H. R. 13756) for the relief of Edward N. Sonnenberg; to the Committee on Claims.

By Mr. CRAIL: A bill (H. R. 13757) granting a pension to Alice Lucy Duling; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13758) granting a pension to Laura A. Garrison; to the Committee on Invalid Pensions.

By Mr. DRANE: A bill (H. R. 13759) granting a pension to S. Ida Rhodes; to the Committee on Invalid Pensions.

Mr. KURTZ: A bill (H. R. 13760) granting an increase of pension to Mary C. McCartney; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13761) granting an increase of pension to Lillie D. Hartley and a pension to Edna B. Hartley; to the Committee on Invalid Pensions.

By Mr. McFADDEN: A bill (H. R. 13762) granting a pension to Charles E. June; to the Committee on Invalid Pensions.

By Mr. MICHENER: A bill (H. R. 13763) granting a pension to Elizabeth K. Hack; to the Committee on Invalid Pensions.

By Mr. NELSON of Wisconsin: A bill (H. R. 13764) granting an increase of pension to Emily Wilson; to the Committee on Invalid Pensions.

By Mr. PARKER of New York: A bill (H. R. 13765) granting a pension to Arthur King; to the Committee on Invalid Pensions.

By Mr. PARSONS: A bill (H. R. 13766) granting a retirement annuity to William Barrett; to the Committee on the Civil Service.

By Mr. SHOTT: A bill (H. R. 13767) for the relief of Hunter B. Glasscock; to the Committee on Claims.

By Mr. WOODRUFF: Resolution (H. Res. 324) for the relief of Delbert E. Libbey; to the Committee on Accounts.

By Mr. WOLCOTT: Resolution (H. Res. 325) providing for the payment of six months' compensation to the widow of Sigismund G. Boernstein; to the Committee on Accounts.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

9017. By Mr. AMLIE: Memorial of the Common Council of the City of Racine, Wis., urging the broadening of the powers of the Reconstruction Finance Corporation for the purpose of unemployment-relief projects; to the Committee on Ways and Means.

9018. Also, memorial of Federated Trades Council of Milwaukee, Wis., protesting against the enactment of a sales tax; to the Committee on Ways and Means.

9019. By Mr. BLOOM: Petition of the officers and members of Civil Service Forum, urging repeal of the unjust and inequitable provisions of the economy act as a forward step



in relieving the stress of unemployment, restoration of national prosperity, and as an act of justice to faithful workers in the service of the United States; to the Committee on Ways and Means.

9020. By Mr. CULLEN: Petition of the Maritime Association of the Port of New York, opposing the abolishment of the United States Employees Compensation Commission and consequent transfer of administration of the longshoremen and harbor workers' compensation act to the Department of Labor as inimical to the best welfare of the shipping interests of the United States; to the Committee on Expenditures in the Executive Departments.

9021. By Mr. ESTEP: Memorial of Squirrel Hill Woman's Christian Temperance Union, opposing repeal of the eighteenth amendment or modification of the national prohibition act; to the Committee on Ways and Means.

9022. Also, memorial of the Fraternal Order of Police, Lodge No. 1, Pittsburgh, Pa., protesting against continuance of the furlough and salary reductions for Federal employees; to the Committee on Appropriations.

9023. By Mr. GARBER: Petition urging support of railroad pension bills, S. 4646 and H. R. 9891; to the Committee on Interstate and Foreign Commerce.

9024. By Mr. KVALE: Petition requesting immediate approval of Senate bill 1197, signed by numerous farmers, laboring, professional, and business men and women from the State of Minnesota; to the Committee on Banking and Currency.

9025. By Mr. LAMBERTSON: Petition of Mrs. H. E. Maynard and 342 other citizens of Jackson County, Kans., opposing any legislation providing for the manufacture of beer and further opposing any measure providing for the nullification or repeal of the eighteenth amendment; to the Committee on the Judiciary.

9026. By Mr. LINDSAY: Petition of Turner Construction Co., New York City, opposing House bill 9921; to the Committee on Expenditures in the Executive Departments.

9027. Also, petition of the Maritime Association of the Port of New York, New York City, protesting against the abolishment of the United States Employees' Compensation Commission; to the Committee on Expenditures in the Executive Departments.

9028. By Mr. MURPHY: Petition of 46 citizens of Conotton, Ohio, and vicinity, urging the passage of the stop-alien representation amendment to the United States Constitution to cut out the 6,280,000 aliens in this country, and count only American citizens, when making future apportionments for congressional districts; to the Committee on the Judiciary.

9029. By Mr. PARKER of Georgia: Memorial of the Southwest Georgia Baptist Pastors Conference, signed by H. M. Melton, president, and H. G. Wheeler, secretary, commending Georgia Congressmen who voted against the resolution to repeal the eighteenth amendment and severely censuring the Georgia Congressmen who voted for repeal, and earnestly urging Congressmen and Senators from Georgia to support the Constitution of the United States and assist in retaining therein the eighteenth amendment thereto; to the Committee on Ways and Means.

9030. By Mr. RUDD: Petition of the Maritime Association of the Port of New York, opposing the President's recommendation in so far as it affects the administration of the longshoremen and harbor workers' compensation act; to the Committee on Expenditures in the Executive Departments.

9031. Also, petition of Turner Construction Co., New York City, opposing the enactment of House bill 9921; to the Committee on Expenditures in the Executive Departments.

9032. By Mr. SNELL: Petition of residents of Ellenburg Depot, Ticonderoga, and Conifer, N. Y., urging prompt action on the stop-alien representation amendment to the United States Constitution; to the Committee on the Judiciary.

9033. By Mr. SPARKS: Petition of citizens of Miltonvale, Kans., submitted by Mrs. T. E. Mason, Jim M. Willey, and Mrs. L. W. Neaderleiser, and signed by 264 others, pro-

testing against the legalizing of intoxicating liquors; to the Committee on the Judiciary.

9034. By Mr. STRONG of Pennsylvania: Petition of citizens of Punxsutawney, Sigel, and vicinity, all of the State of Pennsylvania, favoring an amendment to the Constitution of the United States to exclude aliens in the count for the apportionment of Representatives in Congress among the several States; to the Committee on the Judiciary.

9035. Also, petition of Barnard Woman's Christian Temperance Union, of Dayton, Pa., opposing any change in the Volstead Act or the eighteenth amendment; to the Committee on the Judiciary.

9036. By Mr. TAYLOR of Colorado: Petition of citizens of southwestern Colorado, urging legislation for the remonetization of silver at a reasonable ratio with gold; to the Committee on Coinage, Weights, and Measures.

9037. By Mr. TARVER: Petition of members of the Missionary Society of the First Methodist Church, of Marietta, Ga., opposing the repeal of the eighteenth amendment; to the Committee on the Judiciary.

9038. By Mr. TEMPLE: Petition of Rev. O. E. Rodkey, Methodist Episcopal Church, Carmichaels, Pa., supporting the stop-alien representation amendment to the Constitution; to the Committee on the Judiciary.

9039. Also, petition of Col. A. L. Hawkins Council, No. 334, Junior Order United American Mechanics, California, Pa., protesting against the continuance of the furlough provision of the economy law; to the Committee on Ways and Means.

9040. By Mr. TIERNEY: Petition of Harry W. Congdon Post of the American Legion, Bridgeport, Conn., with reference to the so-called Economy League; to the Committee on World War Veterans' Legislation.

9041. Also, petition of Ignatius K. Werwinski, requesting the issuance of special series postage stamps in honor of Gen. Thaddeus Kosciuszko during the month of October, 1933; to the Committee on the Post Office and Post Roads.

9042. By the SPEAKER: Petition of John J. Boyd and others of Baltimore, Md., requesting that an amendment to the Federal home loan bank act be passed; to the Committee on Banking and Currency.

9043. Also, petition of citizens of Jackson, Mich., favoring the maintenance of the eighteenth amendment; to the Committee on the Judiciary.

## SENATE

SATURDAY, DECEMBER 17, 1932

(Legislative day of Thursday, December 8, 1932)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

Mr. FESS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Ashurst	Couzens	Hull	Reynolds
Austin	Dale	Kean	Robinson, Ark.
Bailey	Davis	Kendrick	Robinson, Ind.
Bankhead	Dickinson	Keyes	Schall
Barbour	Dill	King	Schuyler
Barkley	Fess	La Follette	Shipstead
Bingham	Frazier	Logan	Shortridge
Black	George	Long	Smith
Blaine	Glass	McGill	Smoot
Borah	Goldsborough	McKellar	Stelwer
Broussard	Gore	McNary	Thomas, Okla.
Bulkeley	Grammer	Metcalf	Trammell
Bulow	Hale	Moses	Tydings
Byrnes	Harrison	Neely	Vandenberg
Capper	Hastings	Norbeck	Wagner
Carey	Hatfield	Nye	Walsh, Mass.
Cohen	Hawes	Oddie	Walsh, Mont.
Coolidge	Hayden	Patterson	Watson
Copeland	Hebert	Pittman	White
Copigan	Howell	Reed	

Mr. ROBINSON of Arkansas. I desire to announce that the Senators from Texas [Mr. SHEPPARD and Mr. CONNALLY] and the Senator from New Mexico [Mr. BRATTON] are neces-